

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):

Landfill Compactor, Upper Wallkill Nitrate Upgrade Project, and the Northern Slope Landfill Cap Project

(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):

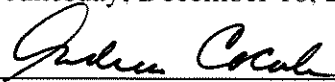
Personnel Matter

(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, December 18, 2024.



Andrea Cocula, Secretary

**SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
DESIGNATE SOLID WASTE UNRESTRICTED POSITION TO
RENEWAL REPLACEMENT FUND AND CELL CLOSURE / POST
CLOSURE ACCOUNT**

WHEREAS, the Authority's Solid Waste Unrestricted Assets balance as of the budget year ending November 30, 2024, was \$12,931,088, and

WHEREAS, the Authority would designate \$1,200,000 to the Solid Waste Renewal Replacement Fund to provide funding for replacement Landfill Compactor; and

WHEREAS, the Authority would designate \$600,000 to the Solid Waste Cell Closure Account for future Cell Closure / Post Closure Care costs; and

THEREFORE, BE IT RESOLVED that the Sussex County Municipal Utilities Authority would designate \$1,800,000 of Solid Waste's Unrestricted Assets Balance from its fiscal year ending November 30, 2024: and

THEREFORE, BE IT FURTHER RESOLVED that the Authority hereby declares the intent of the Authority to transfer funds to Solid Waste Renewal Replacement Fund and Cell Closure Account to pay replacement Landfill Compactor and provide additional funds for future Cell Closure / Post Closure Care expenses.

CERTIFICATION

It is hereby certified that this is a true copy of a resolution amending the capital budget, adopted by the governing body on the 18th day of December 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDER NO. 1 TO TOMCO CONSTRUCTION INC. FOR CONTRACT NO. 551B

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 551B in the amount of \$4,666,666.66 for the construction of the Northern Slope Permanent Landfill Cap; and

WHEREAS, Change Order Number 1 has been prepared by Tomco for the procurement and installation of a rain flap for an amount of \$25,832.42; and

WHEREAS, Said proposed Contract increases includes increased labor time, material cost, and subcontractor costs only; and

WHEREAS, SCMUA Staff, ARM Group, and SCMUA's Construction Review Committee have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for the change order approval; and

WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director is hereby authorized and directed to approve the above referenced change order to Contract No. 551B contingent upon NJIB approval, which reflects the work outlined above and contained within said Change Order, for a total increase in Contract Price of \$25,832.42 thereby changing the contract price from \$4,666,666.66 to \$4,692,499.08.

AND BE IT FURTHER RESOLVED, that SCMUA resolution and a copy of the aforementioned Change Order for Contract No. 551B shall be provided to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that 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, December 18, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION TO EXECUTE A PURCHASE AGREEMENT WITH KOMATSU AMERICA FOR ONE (1) NEW BOMAG BC1173 RB-5 LANDFILL COMPACTOR OBTAINED THROUGH SOURCEWELL COOPERATIVE PURCHASING

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) desires to replace the existing CAT #836 2020 Landfill Compactor with a new Compactor for its Solid Waste Facility Operations; and

WHEREAS, SCMUA advertised for notification to purchase one (1) new Landfill Compactor through Sourcewell Cooperative Purchasing; and

WHEREAS, SCMUA desires to purchase a BOMAG Landfill Compactor BC1173 RB-5 from Komatsu America; and


WHEREAS, the purchase price for one (1) new BOMAG Landfill Compactor BC1173 RB-5 with specified options is \$1,328,000.00 minus Trade-in Amount of \$230,000.00 for the existing SCMUA CAT #836 2020 Landfill Compactor (serial #T6X001709), for a Net amount of \$1,098,000.00; and

WHEREAS, the Treasurer has certified that there are existing sufficient funds for this contract award.

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

1. SCMUA Contract #554 for one (1) Landfill Compactor is hereby awarded to Komatsu America in the amount of \$1,098,000.00.
2. The purchase price includes the SCMUA CAT #836 2020 Landfill Compactor (serial #T6X001709) trade-in value of \$230,000.00.
3. Executive Director Joseph Sesto and Comptroller Timothy Day are authorized to execute the purchase Agreement and to coordinate delivery with Komatsu America.
4. Copies of this Award Resolution shall be provided to Komatsu America and local BOMAG representative.
5. This resolution shall take effect in accordance with NJSA 40:14B-14 (e).

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Meeting
held on Wednesday, December 18, 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; 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 #282 – 1984 Fremont Generator 190kW model# 200DC-2

And,

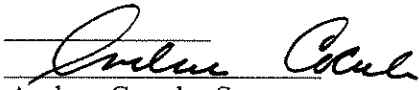
BE IT FURTHER RESOLVED, that the SCMUA reserves the right to accept or reject any bid submitted; and

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 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; 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 December 18, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PHASE II COST SHARING AGREEMENT WITH KIRK RANDALL STEPHENS, LIVESTOCK (BEEF AND SHEEP) FARM IN VERNON TOWNSHIP TO IMPLEMENT BEST MANAGEMENT PRACTICES IN COLLABORATION WITH THE USDA-NRCS FARM BILL FUNDING PROGRAM (EQIP)

WHEREAS, the Sussex County Municipal Utilities Authority – Wallkill River Watershed Management Group (SCMUA-WRWMG) has an existing Memorandum of Understanding (MOU) - Shared Services Agreement with the USDA – Natural Resources Conservation Service (USDA-NRCS) dated July 17, 2013; and

WHEREAS, under the MOU the SCMUA-WRWMG would partner with the USDA - NRCS in funding eligible agricultural operators to implement best management practices which would improve water quality and natural resources, and which have been approved by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the NRCS has agreed to provide funding to Kirk Randall Stephens Jr. residing at 99 Sand Hill Road, tenant operator of a Sheep and Beef Farm Property located at 90 Prices Switch Road, Vernon, New Jersey, Tax Parcel Block 18, Lot 5 and Block 18, Lot 7 of Vernon, New Jersey, to implement Best Management Practices which meet the USDA-NRCS standards and specifications under USDA contract Number EQIP 2018 742B29210BS; and

WHEREAS, the SCMUA-WRWMG has received an application from Kirk Randall Stephens Jr. to receive 319(h) Non-point Source Grant funding for a portion of the project to be implemented under the USDA-NRCS Farm Bill Funding Program (EQIP); and

WHEREAS, said 319(h) grant application appears to meet all eligibility criteria and has been previously approved by the NJDEP for project funding.

WHEREAS, the SCMUA WRWMG has previously executed and completed a Cost Sharing Agreement with Kirk Randall Stephens Jr. for Phase I of the best management practices successfully implemented at Kirk Randall Stephens Jr. Farm at 435 Route 94, Vernon New Jersey which provided a total funding contribution of \$4,657.28; and

WHEREAS, the SCMUA WRWMG now wishes to execute a new Cost Sharing Agreement with Kirk Randall Stephens Jr. to complete implementation of Phase II of the best management practices planned at Kirk Randall Stephens Jr. Farm at 90 Prices Switch Road, Vernon, New Jersey in collaboration with USDA-NRCS.

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to execute the Cost Sharing Agreement with Kirk Randall Stephens Jr. and

BE IT FURTHER RESOLVED, that said Cost Sharing Agreement shall not exceed \$1,868.66– One Thousand – Eight Hundred – Sixty-Eight Dollars and Sixty-Six cents; and

BE IT FURTHER RESOLVED, that dispersing of the grant funds shall be contingent upon certification by the USDA-NRCS at the completion of the project.

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



Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2024 - UPPER WALLKILL SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2024", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2024 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and

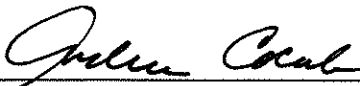
WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2024" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2024.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2024 Annual Charges.

AND 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, December 18, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2024 – PAULINS KILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2024", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2024 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and

WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2024" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2024.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Paulinskill System participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2024 Annual Charges.

AND 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, December 18, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: APPOINTMENT OF FUND COMMISSIONER TO THE STATEWIDE INSURANCE FUND - 2025

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter “SCMUA”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, pursuant to the governing Bylaws of the Fund, each member is required to appoint a Commissioner to represent them in the Fund; and

NOW, THEREFORE, BE IT RESOLVED that the SCMUA Board of Commissioners appoint Timothy Day as Fund Commissioner for the SCMUA for the year 2025; and

BE IT FURTHER RESOLVED, that Joseph Sesto is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2025; and

BE IT FURTHER RESOLVED that the SCMUA’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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


Andrea Cocula, Secretary

<u>Board Member</u>	<u>Yea</u>	<u>Vote Results</u>		
		<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
R. Petillo	X			
J. Drake	X			
T. Madsen	X			
W. Dietz	X			
A. Cocula	X			
K. Meyer	X			
J. Wesley	X			
J. Finkeldie	X			
M. Poggi	X			