

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 Nitrate Legal Discussion, Vernon Township MUA
Unpaid Service Charges Legal Discussion

☐ (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):

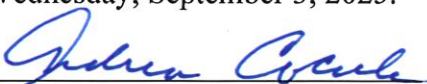
Personnel Matters

☐ (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, September 3, 2025.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR SPECIAL LEGAL COUNSEL TO PURSUE DEBT COLLECTION FROM VERNON TOWNSHIP AND THE VERNON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR SEWER SERVICE CHARGES, UP TO AND INCLUDING THE FILING OF LITIGATION #25-117

WHEREAS, the Sussex County Municipal Utilities Authority ("SCMUA") provides sewer services to various system participants within the Upper Wallkill System, including Vernon Township; and

WHEREAS, despite notice and monthly billing of same, Vernon Township has failed to remit payment of sewer service charges owed to SCMUA in accordance with the applicable sewer service contract; and

WHEREAS, the Authority has made reasonable efforts to resolve the matter amicably, including written request for payment of sewer service charges, but Vernon Township has failed or refused to remit payment; and

WHEREAS, the Board of Commissioners finds it necessary and in the best interest of the other SCMUA Upper Wallkill System participants to pursue collection of outstanding debt from Vernon Township; and

WHEREAS, SCMUA has previously appointed Thomas Prol of Sills Cummis and Gross, P.C. as special legal counsel; and

WHEREAS, the SCMUA has determined that legal action is necessary to recover the sewer service charges and to protect the other Upper Wallkill System participants, as well as the financial integrity of the sewer utility system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Sussex County Municipal Utilities Authority, that special legal counsel is hereby authorized and directed to take all necessary steps to pursue collection of outstanding sewer service charges due from Vernon Township, including but not limited to the filing of litigation, in order to secure payment of all sums owed to SCMUA; and

BE IT FURTHER RESOLVED that the SCMUA Chairman, Executive Director, staff, and General Counsel are authorized to coordinate with special legal counsel and take any additional actions necessary to effectuate the intent of this Resolution.

Certified as a true copy of the
resolution as adopted by the Authority
at their Regular Meeting held on
Wednesday, September 3, 2025.



Andrea Cocula, Secretary