

**RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S (SCMUA) ENDORSEMENT OF SITE-SPECIFIC AMENDMENT TO THE SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN (WQMP) FOR THE SMS HAMBURG LLC DEVELOPMENT LOCATED AT BLOCK 14, LOT 21.02 IN HARDYSTON TOWNSHIP**

WHEREAS, SMS Hamburg, LLC is requesting a consent resolution for endorsement of the proposed site-specific amendment to the Sussex County Water Quality Management Plan (WQMP) for the development of Block 14, Lot 21.02 in Hardyston Township; and

WHEREAS, a site-specific wastewater management plan amendment to the Sussex County WQMP to include Block 14, Lot 21.02 in Hardyston Township is required because this location is currently outside of the County's wastewater management planning area; and

WHEREAS, the WQMP Site Specific Amendment application was prepared by Dykstra Walker Design Group and is dated December 16, 2025; and

WHEREAS, the project's signed and sealed engineering report was prepared by Dykstra Walker Design Group and is dated December 11, 2025; and

WHEREAS, the total proposed development includes four apartment buildings - three buildings containing 30 two-bedroom apartment units within Hamburg Borough and one building containing 6 two-bedroom apartment units within Hardyston Township; and

WHEREAS, only the 6 two-bedroom apartment units within Hardyston Township are currently outside the Sussex County wastewater management planning area; and

WHEREAS, the design flows for the 6 two-bedroom apartments, as calculated per N.J.A.C. 7:14A-23.3, is 1,350 gpd; and

WHEREAS, a joint resolution from the Township of Hardyston and the Borough of Hamburg land use boards was issued on June 9, 2025, approving the preliminary and final site plans for the proposed development; and

WHEREAS, the Hardyston Township resolution No. 29-26 dated February 25, 2026 endorsed the plan amendment to the Hardyston Township wastewater management plan and the Sussex County Water Quality Management Plan; and

WHEREAS, the applicant must apply to present the amendment before the Sussex County Water Quality Management Plan Policy Advisory Committee (PAC) and receive endorsement; and

WHEREAS, the SCMUA was identified as an “affected party” to this matter as defined in N.J.A.C 7:15; and

WHEREAS, the SCMUA has reviewed the proposed WQMP Amendment documents provided; and

WHEREAS, the SCMUA application review fee has been paid by the applicant.

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

- I. The application for WQMP Amendment for the construction of the referenced project is endorsed by the SCMUA.
- II. This Resolution shall be effective in accordance with applicable law.
- III. SCMUA Staff and Professionals are directed and empowered to take any and all action necessary to affect this Resolution.
- IV. A copy of this resolution shall be forwarded to the Sussex County Board of Commissioners, Hardyston Township, Hamburg Borough, SMS Hamburg LLC, Dykstra Walker Design Group, and the Sussex County PAC.

Certified as a true copy of the Resolution  
Adopted by the Authority at their Regular  
Meeting held on March 18, 2026.

  
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Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE AWARD OF A ONE-YEAR CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND PACE ANALYTICAL SERVICES LLC. FOR LABORATORY TESTING SERVICES AT THE SOLID WASTE FACILITY (CONTRACT #26-20)**

**WHEREAS**, the SCMUA has a need for Laboratory Testing Services for its Solid Waste Facility; and

**WHEREAS**, SCMUA received proposals from Pace Analytical Services LLC. and Garden State Laboratories Inc.; and

**WHEREAS**, the Garden State Laboratories Inc. proposal exceeded the budgeted value for the Contract and it is in the best interest of the SCMUA to reject that bid; and

**WHEREAS**, the Pace Analytical March 13, 2026 proposal is for \$35,668.00 for one (1) year from April 1, 2026 through March 31, 2027 (cost is not inclusive of any resampling events deemed necessary as results dictate); and

**WHEREAS**, the SCMUA Staff concluded that Pace Analytical Services LLC. have in its employ, individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; and

**WHEREAS**, the unit bid prices for all analysis parameters has been reviewed and approved for the following locations for the Solid Waste Facility: End Manholes, Groundwater Monitoring Wells, Domestic Potable Water Wells, Lysimeters, Leachate Storage Tank, Stormwater Point DSN-004A, Detention Pond, and Non-Transient Public Water System, and it is in the best interest of the SCMUA to award a contract; and

**WHEREAS**, contract award is herein recommended by staff for a price of \$35,668.00 inclusive of one (1) year from April 1, 2026 through March 31, 2027 (cost is not inclusive of any resampling events deemed necessary as results dictate).

**WHEREAS**, the SCMUA has determined to enter into an agreement under the Non-Fair and Open Process for Professional Services in accordance with N.J.S.A. 19:44A-20.4 et. seq. commencing April 1, 2026, and continuing through March 31, 2027; and

**WHEREAS**, the Authority's Qualified Purchasing Agent has reviewed and recommended approval of this contract award; and

**WHEREAS**, the Authority's Treasurer has certified sufficient funds are available for the contract award.

**NOW, THEREFORE, BE IT RESOLVED** by the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey, as follows:

1. Executive Director and SCMUA Staff are hereby authorized and directed to execute Contract 26-20 with Pace Analytical Services LLC of Fairfield, NJ, according to the prices stated within their Bid Proposal.
2. The contract is awarded under the Non-Fair and Open Process as a professional service in accordance with N.J.S.A. 19:44A-20.4 et. seq. of the "New Jersey Local Unit Pay to Play" law because the work required is to be done by a licensed laboratory in the State of New Jersey.
3. 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, March 18, 2026.

  
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Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING DISPOSAL OF VARIOUS SCMUA RECORDS

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) is required to retain certain public records according to the schedule as provided by the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services - Records Management Services; and

WHEREAS, pursuant to N.J.S.A. 47:3-15 et. seq. there is a standardized procedure for the disposal of public records; and

WHEREAS, the SCMUA through its Records Custodian and Staff have processed a request through the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services - Records Management Services to dispose of various records, (from Retention Schedules C550000-003, C820000-020); and

WHEREAS, the State of New Jersey, Division of Archives and Records Management (DARM) has approved and authorized said request for disposal of SCMUA qualifying records and files (Authorization #386886 and #386766); and

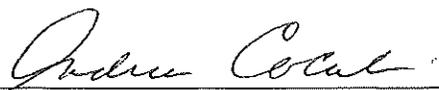
WHEREAS, the SCMUA Board of Commissioners has been advised by the Comptroller/Records Custodian that these public records have been audited, the audit approved and said records are not required for future audits and have ceased to have sufficient value to warrant further retention; and

WHEREAS, the Commissioners have been advised by the Comptroller/Records Custodian and Office Manager/Recording Secretary that the attached noted documents (Authorization #386886 and #386766) are to be destroyed as authorized by DARM.

NOW THEREFORE BE IT RESOLVED by the SCMUA Board of Commissioners as follows:

1. The public records as listed on the attached "Request and Authorization for Records Disposal" forms to be disposed of in the proper manner.
2. The request (Authorization #386886 and #386766), as approved by the State of New Jersey, Department of Treasury, Division of Revenue and Enterprise Services - Records Management Services shall be retained in the official records of the SCMUA
3. This resolution's approval is subject to N.J.S.A. 40:20-71.3.

Certified as a true copy of the  
Resolution as adopted by the Authority  
at their Regular Meeting held on  
Wednesday, March 18, 2026.

  
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Andrea Cocula, Secretary

**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):

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- (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):

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- (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):

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- (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):

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- (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):

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- (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):

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- (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):

Vernon Township Litigation, Bright Horizons Lien Claim, Upper Wallkill  
Service Rules

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(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):

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(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

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(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):

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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 March 18, 2026

  
Andrea Cocula, Secretary