

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
MARCH 26, 2015**

**In the matter of the 433rd Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the March 26, 2015 meeting was read into the record by Richard Wierer, Acting Secretary.
2. Roll Call:

COMMISSIONERS PRESENT:

Andrew "Chuck" Vaccaro, Chairman
Ronald Phillips, Vice Chairman
Catherine T. Bentz, Commissioner
James L. Cassella, Commissioner
Louis J. DeLisio, Commissioner
Paul A. Juliano, Commissioner
Richard D. Schooler, Commissioner
George P. Zilocchi, Commissioner

ALSO PRESENT: Robert Laux, Executive Director
Richard Wierer, Deputy Executive Director
Authority Staff and Professional Consultants

3. Motion that the Minutes covering the February 26, 2015 Work Session be approved was moved by Commissioner Schooler and Seconded by Commissioner Juliano and was carried.
4. Chairman Vaccaro opened the meeting to the public and asked if anyone present wished to be heard. Freeholder Tracy Zur addressed the Commissioners and offered her assistance and support as Freeholder liaison to the Authority. The meeting was closed to the public.
5. FINANCE AND LEGAL COMMITTEE:

Resolution 15-1-020 – Approve bills and the claims supported by vouchers totaling \$6,413,648.93 and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-1-021 – Authorize execution of Administrative Consent Order with NJDEP regarding proposed modifications to Title V Air Permit. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 15-2-013 – Award Contract 15-02 to Polydyne, Inc. - Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (2 Years). Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-014 – Award Contract 15-04 to Spectraserv Inc. - Disposal of Grit and Screenings (2 Years). Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-015 – Award Contract 15-07 to Russell Reid Waste Hauling and Disposal Service Co., Inc.- On-Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ (Two Years). Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-016 – Authorize the Exercise of One year option with for Contract 13-05 with Pat Scanlan Landscaping, Inc. for Grounds Maintenance Services (One Year with Two (2) One-Year Options). Motion to adopt the resolution as amended was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 15-2-017 – Approve purchase orders for replacement vehicles for the Little Ferry and Edgewater sites, in accordance with the terms of New Jersey State Contract SC-A83011 (Index T-2007), SC-A85438 (Index T-2099) & SC-A83013 and Authorize Auction of Vehicles being replaced.. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner Schooler. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 15-3-003 – Appointment of Michael H. Henwood Secretary of the Authority. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Chairman Vaccaro announced a short recess to allow time for the Acting Secretary to prepare minutes of this Regular Meeting.

9. Chairman Vaccaro announced the Regular Meeting would reconvene.

BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 March 26, 2015

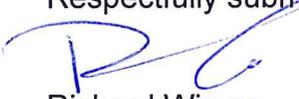
10. The Acting Secretary then distributed proposed minutes of the March 26, 2015 Regular Meeting for review by the Commissioners.

11. Move to approve the Minutes of the Regular Meeting of March 26, 2015 as distributed by the Acting Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting March 26, 2015 was made by Commissioner Cassella and second by Commissioner Schooler and was unanimously carried. Commissioner Bentz commended the Recycling Department on the success of the school education programs. Chairman Vaccaro congratulated Michael Henwood on his new position with the Authority.

12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	15-1-020	15-1-021	15-2-013	15-2-014	15-2-015	15-2-016	15-2-017	15-3-003
Chairman Vaccaro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Phillips	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y	Y
Comm. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Lorenzo	-	-	-	-	-	-	-	-
Comm. Schooler	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
--

Respectfully submitted,

 Richard Wierer
 Acting Secretary

March 26, 2015

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the operation and maintenance of an effective and efficient water pollution control system represents a vital responsibility of government that is essential to ensuring the health, safety, and welfare of those whose daily life activities depend on such a system; and

WHEREAS, the Bergen County Utilities Authority ("Authority") plays an important role in providing these essential services within the Authority's sewer service district, which is comprised of fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

WHEREAS, in furtherance of providing these essential services, and in order to realize significant energy cost savings, the Authority constructed its Combined Heat and Power Facility (the "CHP Facility") on site of the Authority's Little Ferry Water Control Facility (the "LFWC Facility"), with construction of the CHP Facility being completed in June 2008; and

WHEREAS, the Authority had been desirous to implement the Expansion of the Gas Fired Combined Heat and Power (CHP) Cogeneration Project within its facilities, including the installation of a third cogeneration unit for generating heat and electricity powered by the biogas generated at the LFWC Facility (the "Biopower Expansion Project"); and

WHEREAS, the Biopower Expansion Project consists of the addition of a GE Jenbacher JMS 420 low emission technology type engine that can burn natural gas, biogas or a mixture of both (and is the identical make and model of the two existing biogas engines at the CHP Facility) to the CHP Cogeneration Unit, the addition of which was necessary to satisfy the anticipated increase of biogas that will be generated from the intended processing of the Fats, Oils and Grease ("FOG") collected by Municipalities serviced by the Authority and other entities; and

WHEREAS, the new third engine will also be equipped with a Sud-Chemie catalytic oxidizer (identical to the catalytic oxidizers used for the two existing biogas engines) which will remove volatile organic compounds and carbon monoxide; and

WHEREAS, the potential annual cost savings and credits to be realized by the Authority based on increased electrical and heat energy output is as follows:

- Energy Cost Annual Savings - \$1.030 million;
- Annual Renewable Energy Credit (REC) - \$19,094.00; and,

WHEREAS, the Authority, in addition to recognizing that the Biopower Expansion Project was needed to satisfy the anticipated increase in FOG and that the Biopower

Expansion Project will result in significant annual costs savings and energy credits to be realized by the Authority, also recognizes the impact of recent extreme weather and the power interruptions and quality fluctuations in the PJM electrical grid during these public emergency events and, in response, the Authority is implementing the Biopower Expansion Project as long-term back-up power during power outages by the proposed expansion of its existing CHP Cogeneration System including black-start capabilities. The presence of this CHP Cogeneration microgrid will serve to protect the water environment and public from exposure to untreated or partly treated wastewater; and

WHEREAS, in furtherance of the Authority implementing the Biopower Expansion Project, the Authority prepared and submitted a grant application to receive a \$2,500,000.00 Renewable Energy Incentive Program grant (the "REIP Grant") awarded by the New Jersey Board of Public Utilities ("NJBPU"); and

WHEREAS, the application of the Authority to receive a REIP Grant for the Biopower Expansion Project was granted and the REIP Grant was awarded on October 25, 2013, and the grant funds are to be utilized, for the Authority's expanding of its CHP Facility to include the implementation and construction of the Biopower Expansion Project; and

WHEREAS, the Authority is obligated to complete the construction of the Biopower Expansion Project within eighteen (18) months after the award date of the REIP Grant, resulting in a completion deadline of April 25, 2015; and

WHEREAS, in order to comply with the REIP Grant completion deadline, the Authority proceeded expeditiously with the RFQ and RFP process and by Resolution 13-2-074 adopted November 26, 2013 by the Board of Commissioners of the Authority, the Authority retained the services of Remington, Vernick & Arango Engineers ("RVA") to provide professional engineering services to assist the Authority in preparing the initial request for proposals documentation, evaluating the proposals received, recommending the contract award and negotiating the contract necessary for the Authority's implementation of the Biopower Expansion Project; and

WHEREAS, by Resolution 13-2-074 adopted November 26, 2013 by the Board of Commissioners of the Authority, the Authority retained the services of RVA to serve as the Authority's Project Manager for the Biopower Expansion Project; and

WHEREAS, by Resolution 14-2-017 adopted March 27, 2014 by the Board of Commissioners of the Authority, the Authority retained the services of DCO Energy, L.L.C. ("DCO"), a New Jersey qualified Energy Service Company, for the design and installation of the third biogas engine pursuant to the Biopower Expansion Project; and

WHEREAS, DCO proceeded with construction, which is scheduled for completion on April 25, 2015, the REIP Grant required completion date, subject to conditional authorization from the New Jersey Department of Environmental Protection ("NJDEP")

Office of Air Compliance (“NJDEP OAC”) and NJDEP Enforcement Northern Regional Office (“NJDEP Enforcement”), to start up, test and operate the equipment; and

WHEREAS, on May 28, 2014, the Authority submitted an application for the modification to the existing Title V Operating Permit (Facility ID No. 02620, BOP130002) to include the modification of Emission Unit U43 for the addition of the third biogas engine (E4303) with the new catalytic oxidizer (CD4303); and

WHEREAS, the application was filed by the Authority so that the new third biogas engine with catalytic oxidizer will have the identical stack emissions as the two existing biogas engines at the CHP Facility with the third biogas engine being located where the two natural gas blower engines were removed in accordance with the Authority’s Sustainable Energy Master Plan and to reduce the facility wide emission rates; and

WHEREAS, the project schedule, based upon the REIP Grant required completion date of April 25, 2015, required the modification to the Title V Air Pollution Control Permit, including going through public comment and review by the Environmental Protection Agency (“EPA”), by February 2, 2015; and

WHEREAS, the NJDEP Bureau of APC Permits (“NJDEP APC”) staff requested that a state of the art (“SOTA”) Top Down analysis be performed for a Selective Catalytic Reduction (“SCR”) system; and

WHEREAS, the Authority responded and provided an engineering report stating that any NOx control by an SCR system is not cost effective in accordance with USEPA standards, but despite that engineering economic analyses provided by the Authority, NDJEP APC staff continues to require that a SCR be installed as a condition of the permit modification as requested by the Authority; and

WHEREAS, because a draft permit modification has not been issued, the permit will not be able to be finalized by the REIP Grant mandated completion date which prohibits the Authority from operating the new third biogas engine for testing purposes as is required by the REIP Grant; and

WHEREAS, the delay in the issuance of the permit modification will result in significant increase in the total cost of construction and simultaneously prevent the Authority from realizing the significant energy cost savings from the use of biogas to generate electricity and hot water; and

WHEREAS, the delay in the issuance of the permit modification also places the Authority at significant risk of losing the REIP Grant which is required by the Authority to fully fund the Biopower Expansion Project, to the detriment of the Authority’s ratepayers; and

WHEREAS, as no final understanding has been reached between the Authority and NJDEP APC resolving this permit modification issue, while the Authority appeals the

recommendation of the NJDEP APC staff to condition the issuance of the Title V Facility Operating Permit Modification for a third biogas engine with the requirement of SCR, the Authority requested interim authorization to commence the operation of the third biogas engine at the CHP Facility upon completion, the Authority has requested that NJDEP Enforcement approve a plan proposed by the Authority allowing the Authority to complete the Biopower Expansion Project on schedule as required by the REIP Grant, thus allowing for and ensuring compliance by the Authority with the terms of the REIP Grant, resulting in the Authority's ratepayers achieving the benefits of the new biogas engine installation and the Authority receiving the REIP Grant funds to satisfy payment of the expense of the Biopower Expansion Project; and

WHEREAS, with a total project cost of approximately \$7,000,000.00, and the remaining balance of the cost of the Biopower Expansion Project in excess of the REIP Grant is funded with a zero percent loan from the State of New Jersey Department of Environmental Protection ("NJDEP") and twenty-five percent is funded with New Jersey Environmental Infrastructure Trust ("NJEIT") public bonds based on market rates, and without the receipt of the REIP Grant by the Authority those funds would also be placed in jeopardy; and

WHEREAS, the Authority has determined that it is necessary for the continued efficient operation of the Authority that the Authority enter into an Administrative Consent Order with NJDEP providing for interim approval by NJDEP of a plan proposed by the Authority allowing for the Authority to complete the Biopower Expansion Project on schedule so that the eligibility of the Authority to receive the REIP Grant is not placed in jeopardy; and

WHEREAS, the Commissioners of the Authority believe, for the reasons enumerated above, that it is in the best interests of the Authority and its ratepayers to enter into the ACO with the NJDEP.

NOW THEREFORE, BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority as follows:

1. The Executive Director of the Authority shall be and is hereby authorized to execute and deliver an Administrative Consent Order with the New Jersey Department of Environmental Protection in the form annexed hereto, subject to modifications acceptable to the Executive Director upon advice of General Counsel.

2. The Executive Director shall be and is hereby authorized to take such further action as necessary and required by the Administrative Consent Order, including but not limited to the execution of any and all documents required by the Administrative Consent Order in furtherance of the permit and the implementation/completion of the Biopower Expansion Project.

3. A copy of this Resolution and the Administrative Consent Order executed by the Executive Director of the Authority pursuant to this Resolution shall be placed on file

and made available for public inspection in the Office of the Executive Director upon execution by the Authority and the New Jersey Department of Environmental Protection.

4. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2015



DRAFT

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

Division of Air and Hazardous Materials Enforcement
Bureau of Air Compliance & Enforcement-Northern
7 Ridgedale Avenue,
Cedar Knolls, NJ 07927
Telephone: (973) 656-4444 Fax:(973) 656-4080

IN THE MATTER OF

ADMINISTRATIVE
CONSENT ORDER

BERGEN COUNTY UTILITIES AUTHORITY
Foot of Mehrhof Rd
Little Ferry, NJ 07643

EA ID # NEA150001 - 02620

This Administrative Consent Order ("ACO") is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Bureau of Air Compliance & Enforcement-Northern, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. BERGEN COUNTY UTILITIES AUTHORITY ("BCUA") owns and/or operates its Water Pollution Control Facility located at Mehrhof Rd, Lots 1-13, 13a, 13b and 13c, and Block 106, Borough of Little Ferry, County of Bergen, New Jersey (ID#02620).
2. At this facility, among other equipment, BCUA operates two GE Jenbacher JMS 420 cogeneration engines under the authority of Operating Permit BOP130002. These engines are designated as Equipment Numbers E4301 (Engine #1) and E4302 (Engine #2) in the Operating Permit. The engines have the capability to burn either digester gas or natural gas.
3. On May 29, 2014, BCUA submitted an application, designated BOP140002, for a significant modification to its Operating Permit to operate a third GE Jenbacher JMS 420 cogeneration engine ("Engine #3"). This engine also will have the capability to burn either digester gas or natural gas. BCUA has commenced construction of Engine #3. Construction of this engine is scheduled for completion by April 25, 2015.
4. The Department's Bureau of Air Permits ("BAP") has advised BCUA that it will not be able to approve significant modification application BOP140002 prior to April 25, 2015.
5. BCUA is seeking approval to commence operation of Engine #3 prior to the approval of BOP140002.

6. The Department has determined that BCUA will violate the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27-22.3(a)&(b), if it operates Engine #3 prior to the approval of BOP140002.
7. In order to resolve this matter without trial or adjudication, BCUA has agreed to entry of this ACO and to be bound by its terms and conditions.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

A. HEARING REQUEST

8. BCUA hereby waives its future right to an administrative hearing with respect to the potential violations which are listed in paragraph 6 above.

B. COMPLIANCE SCHEDULE

9. This ACO will expire 180 days after its execution. BCUA shall take whatever actions are necessary to achieve and maintain compliance with N.J.A.C. 7:27-22.3(a)&(b) on or before 180 days of execution of this ACO, including but not limited to the following:
 - A. BCUA may operate Engine #3 while significant modification application BOP140002 is under review by BAP.
 - B. BCUA will respond to all requests by BAP for additional information regarding BOP140002 within 14 days of the request, unless a different deadline is specified by BAP.
 - C. BCUA shall not operate more than two of its three cogeneration engines simultaneously.
 - D. BCUA shall maintain logs of the dates and start and stop times of each engine.
 - E. BCUA shall operate Engine #3 in accordance with the requirements for Engines #1 and #2 that are specified in Operating Permit BOP130002 under Emission Unit U43, Operating Scenarios OS Summary, OS1, OS2, OS3, OS4, OS5, and OS6, with the exception of any requirements regarding stack emission testing or any requirements based on the results of stack emission testing.
 - F. Should BAP deny application BOP140002, then BCUA shall cease operation of Engine #3 immediately upon receipt of written notification of the denial. In addition, upon BCUA's notification of the denial, this ACO shall immediately terminate.

G. Should BAP approve application BOP140002, this ACO shall immediately terminate. If there is a lapse in time between the expiration of this ACO and approval of BOP140002, Engine #3 shall not be operated during that time period.

10. If BCUA is not able to achieve compliance by taking the above actions, BCUA is responsible for taking whatever additional actions are necessary in order to comply with all applicable federal, state and local permits as well as all applicable statutes, codes, rules, regulations and orders, including but not limited to the statutes and regulations cited herein.

C. PROGRESS REPORTS

11. BCUA shall submit progress reports to the Department by the first day of every month beginning April 1, 2015. Each report shall explain the status of BCUA's compliance with this ACO and shall include, but not be limited to, the following:
- A. identification of site and reference to this ACO;
 - B. status of permitting and planning approvals and any work at the site and progress to date;
 - C. difficulties or problems encountered during reporting period and actions taken to rectify;
 - D. activities planned for the next reporting period;
 - E. required and actual completion date for each item required by this ACO;
 - F. an explanation of any non-compliance with the compliance schedule; and
 - G. evaluation of all corrective measures implemented to date.

D. STIPULATED PENALTIES

12. BCUA shall pay stipulated penalties to the Department, as set forth below, for failure to comply with the provisions of this ACO unless the Department has notified BCUA in writing that a stipulated penalty will not be assessed for violations of the compliance schedule pursuant to the force majeure provisions of this ACO.

<u>Calendar Days After Due Date</u>	<u>Per Calendar Day</u>
1-7	\$500
8-14	\$1000
15 or more	\$2500

13. Within 45 calendar days after BCUA's receipt of a written demand from the Department for stipulated penalties, BCUA shall make payment by check made payable to the "Treasurer, State of New Jersey" and remitted to the Division of Revenue at the address stated on the invoice enclosed with the written demand.

14. If BCUA fails to pay stipulated penalties pursuant to the preceding paragraphs, the Department may take action to collect same, including, but not limited to, instituting civil proceedings to collect such penalties pursuant to R. 4:67 and R. 4:70 or assess civil administrative penalties for violations of this ACO.
15. The payment of stipulated penalties does not alter BCUA's responsibility to complete all requirements of this ACO.

E. FORCE MAJEURE

16. If any event occurs which is beyond the control of BCUA and which BCUA believes will or may cause delay in the achievement of the compliance schedule provisions of this ACO, BCUA shall notify the Department in writing within 7 calendar days of becoming aware of the delay or anticipated delay, as appropriate. In the notification, BCUA shall reference this paragraph, describe the anticipated length of the delay, the precise cause or causes of the delay, and any measures taken or to be taken to minimize the delay. BCUA shall take all necessary action to prevent or minimize any such delay.
17. The Department may adjust the deadlines in the compliance schedule of this ACO for a period no longer than the delay if the Department finds that:
 - A. BCUA has complied with the notice requirements of paragraph 16;
 - B. any delay or anticipated delay has been or will be caused by fire, flood, riot, strike, or other circumstances beyond the control of BCUA; and
 - C. BCUA has taken all necessary actions to prevent or minimize the delay.
18. If the Department denies BCUA's force majeure request, BCUA may be subject to stipulated penalties. The burden of proving that any delay is caused by circumstances beyond the control of BCUA and the length of any such delay attributable to those circumstances shall rest with BCUA. Increases in the cost or expenses incurred by BCUA in fulfilling the requirements of this ACO shall not be a basis for an extension of time. Delay in an interim requirement shall not automatically justify or excuse delay in the attainment of subsequent requirements. Contractor's breach shall not automatically constitute force majeure.

F. GENERAL PROVISIONS

19. The entry into this ACO shall not constitute an admission of liability by BCUA for any of the potential violations listed herein.
20. Nothing contained in this ACO restricts the ability of the Department to raise the above Findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

21. This ACO shall be binding on BCUA, its respective agents, successors, assigns, and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity.
22. This ACO shall be fully enforceable as a final Administrative Order in the New Jersey Superior Court.
23. BCUA agrees not to contest the terms or conditions of this ACO except that BCUA may contest the Department's interpretation or application of such terms or conditions in any action brought by the Department to enforce this ACO's provisions.
24. This ACO shall not relieve BCUA from obtaining and complying with all applicable federal, state and local permits as well as all applicable statutes, codes, rule, regulations and orders, including but not limited to the statutes and regulations cited herein.
25. No modification or waiver of this ACO shall be valid except by written amendment duly executed by BCUA and the Department or by the Department's written modification pursuant to the force majeure provisions herein.
26. Unless otherwise specifically provided herein, BCUA shall submit all documents required by this ACO, except penalty payments, to the Department by certified mail, return receipt requested or by hand delivery with an acknowledgment of receipt form for the Department's signature to:

Vanessa Day, Manager
Division of Air and Hazardous Materials Enforcement
Bureau of Air Compliance & Enforcement-Northern
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

The date the Department receives the certified mail or executes the acknowledgment will be the date the Department uses to determine BCUA's compliance with this ACO.

27. Unless otherwise specifically provided herein, any communication made by the Department to BCUA pursuant to this ACO shall be sent to:

Bergen County Utilities Authority
PO Box 9
Little Ferry, NJ 07643

28. BCUA shall not construe any unwritten or informal advice, guidance, suggestions, or comments by the Department, or by persons acting on behalf of the Department, as relieving BCUA of its obligations under its permit(s), this ACO, the Air Pollution Control regulations, and/or the Air Pollution Control Act.

29. In addition to the Department's statutory and regulatory rights to enter and inspect, BCUA shall allow the Department and its authorized representatives access to the site at all times for the purpose of determining compliance with this ACO.
30. Nothing in this ACO shall preclude the Department from taking enforcement action against BCUA for matters not set forth in the findings of this ACO.
31. No obligations or penalties imposed by this ACO are intended to constitute debt(s) which may be limited or discharged in a bankruptcy proceeding. All obligations and penalties are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of public health, safety, welfare and the environment.
32. BCUA shall give written notice of this ACO to any successor in interest thirty (30) calendar days prior to transfer of ownership or control of the facility or facilities which are the subject of this ACO and shall simultaneously notify the Department that such notice has been given. This requirement shall be in addition to any other statutory or regulatory requirements arising from the transfer of ownership or control of BCUA's facility. In addition, the parties agree that any contract, lease, deed or any other agreement that BCUA enters into to convey the property/facility that is the subject of this ACO shall include a provision which states that the successor, assignee, tenant or purchaser has agreed to assume the obligations imposed by this ACO.
33. The Department reserves all statutory and common law rights to require BCUA to take additional action(s) if the Department determines that such actions are necessary to protect public health, safety, welfare and the environment. Nothing in this ACO shall constitute a waiver of any statutory or common law right of the Department to require such additional measures should the Department determine that such measures are necessary.
34. This ACO shall be governed and interpreted under the laws of the State of New Jersey.
35. If any provision of this ACO is found invalid or unenforceable, the remainder of this ACO shall not be affected thereby and each provision shall be valid and enforced to the fullest extent permitted by law. The Department does, however, retain the right to terminate the remainder of this ACO if, after such finding, it determines that the remaining ACO does not serve the purpose for which it was intended.
36. This ACO represents the entire integrated agreement between the Department and BCUA on the matters contained herein.
37. The Department reserves the right to unilaterally terminate this ACO in the event BCUA violates its terms and to take any additional enforcement action it deems necessary.

- 38. This ACO shall terminate upon receipt by BCUA of written notice from the Department that all the requirements of this ACO have been satisfied.

- 39. This ACO shall become effective upon the execution hereof by all parties, subject to completion of any required public participation process. The Department does not waive its right to consider any violations set forth above as an offense in determining penalties in any future enforcement action.

BERGEN COUNTY UTILITIES AUTHORITY

DATED: _____

BY: _____

NAME: _____

TITLE: _____

By this signature, I certify that I have full authority to execute this document on behalf of BCUA

NJDEP

DATED: _____

BY: _____

NAME: _____

TITLE: _____

By this signature, I certify that I have full authority to execute this document on behalf of New Jersey Department of Environmental Protection

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (Two (2) Years)**, pursuant to and in accordance with **Contract No. 15-02**; and

WHEREAS, the following bid proposals for **Contract No. 15-02** were received by the Authority on February 3, 2015:

Vendor	Type	Unit Price (Per/ lb)	Total Bid Price (2 Years)
Polydyne, Inc. Riceboro, GA	Clarifloc NE-1744 Clarifloc NE-1811	.84 .80	\$856,000.00 \$816,000.00
BASF Florham Park, NJ	Zetag 8848FS	.85	\$867,000.00
Coyne Chemical Croydon, PA	NO BID	NO BID	NO BID
Kemira Water Solutions Lawrence, KS	NO BID	NO BID	NO BID
Miracle Chemical Company Farmingdale, NJ	NO BID	NO BID	NO BID

WHEREAS, Appendix A to the bid documents for **Contract No. 15-02** provides that the "determination of the most cost-effective product will be based upon the product performance relative to the other products bid and tested"; and

WHEREAS, **Contract No. 15-02** specified an extensive testing protocol to enable the Authority to evaluate and determine the lowest complying and responsible bidder; and

WHEREAS, following the receipt of these bids, Authority staff tested the polymer samples in order to determine which vendor submitted the most cost effective polymer, and therefore, the lowest complying and responsible bid; and

WHEREAS, the performance test data has been reviewed and evaluated by the Authority's Operation and Maintenance Department as set forth in a memorandum dated March 20, 2015, from the Authority's Plant Manager to the Authority's Chief Engineer (the "Memorandum"); and

WHEREAS, the Authority's Director of Water Pollution Control Division / Chief Engineer has reviewed the recommendation and results embodied in the performance test data as set forth in the Memorandum and recommends that **Polydyne, Inc.** be awarded **Contract No. 15-02** for its

product **Clarifloc NE-1744**, in the amount of **\$0.84 / lb.** for a 510,000 lbs. per year cost with the total amount not to exceed **\$856,000.00** for a **Two (2) Year Period** pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Polydyne, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-02**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this Contract is necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for this purpose and the Certificate of Available Funds, maintained on file at the Authority, sets forth that sufficient funds for the subject procurement have been allotted in the Authority's budget and that such funds have been appropriated at **Budget Code W320-59700-000**.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. **Polydyne Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (Two (2) Year Contract)**, constituting **Contract No. 15-02** for its product **Clarifloc NE-1744** in the amount of **\$0.84 / lb.** for a 510,000 lbs. per year cost with the total amount not to exceed **\$856,000.00** for a **Two (2) Year Period**.

2. The Chairman shall be and is hereby authorized to execute an agreement with **Polydyne Inc.** of One Chemical Plant Road, Riceboro, GA 31323 to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener - Two (2) Year Contract** constituting **Contract No. 15-02**, for its product **Clarifloc NE-1744** in the amount of **\$0.84 / lb.** for a 510,000 lbs. per year cost with the total amount not to exceed **\$856,000.00** for a **Two (2) Year Period**.

3. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

4. The bid security of all unsuccessful bidders shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.

5. A notice of this contract award shall be published in the form prescribed by law.

6. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 15-02, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Polydyne Inc. and the Authority.

15-2-013

7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-013

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

DIRECT PROC - POLYMERS
W-320-59700-000

VENDOR

POLYDYNE INC.

CONTRACT NUMBER

15-02

REASON

FURNISH & DELIVER LIQUID EMULSION
HIGH MOLECULAR WEIGHT CATIONIC POLYMER

AMOUNT

\$856,000.00

CONTRACT LENGTH

APRIL 1, 2015 - MARCH 31, 2017



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for the **Disposal of Grit and Screenings (Two (2) Years)**, pursuant to and in accordance with **Contract No. 15-04**; and

WHEREAS, the following bid proposals were received by the Authority on **March 10, 2015** for **Contract No.15-04**:

Vendor	Price Per/Ton	Total Amount Bid (Two Years)
Spectraserv Inc. Kearny, NJ	\$94.00	\$780,200.00
EPIC Flanders, NJ	\$110.90	\$920,470.00
Tully Environmental Flushing, NY	\$135.00	\$1,120,500.00

WHEREAS, the Authority's **Qualified Purchasing Agent and Plant Manager** have reviewed the bid proposals and have recommended that **Spectraserv Inc.** be awarded **Contract No. 15-04** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Spectraserv Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 15-04**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this Contract is necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. **Spectraserv Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for the **Disposal of Grit and Screenings**, constituting **Contract No. 15-04**, for a **Two (2) Year Period** for a total sum of **\$780,200.00**.

2. The Chairman shall be and is hereby authorized to execute an agreement with **Spectraserv Inc.** of 75 Jacobus Avenue, Kearny, NJ 07032 for the **Disposal of Grit and**

15-2-014

Screenings, constituting Contract No.15-04 for a Two (2) Year Period for a total sum of \$780,200.00.

3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.

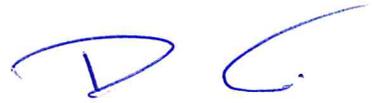
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

5. A notice of this contract award shall be published in the form prescribed by law.

6. A copy of this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 15-04, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Spectraserv Inc. and the Authority.

7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-014

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

WASTE DISP - SOLID WASTE DISPOSAL
W-670-60700-000

VENDOR

SPECTRASERV INC.

CONTRACT NUMBER

15-04

REASON

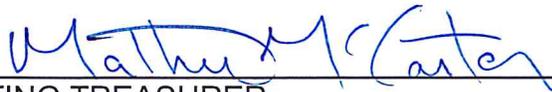
DISPOSAL OF GRIT & SCREENINGS

AMOUNT

\$780,200.00

CONTRACT LENGTH

APRIL 1, 2015 - MARCH 31, 2017



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals pursuant to the public bidding process for **On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 15-07**; and

WHEREAS, the following bid proposals were received by the Authority on March 24, 2015 for **Contract No. 15-07**:

Vendor	Unit Price (per gallon)	Total Capacity Per Day	Total Bid Price for Two Years
Russell Reid Waste Hauling and Disposal Service Co., Inc. Keasbey, NJ	\$.0494	120,000 (Gallons)	\$1,067,040.00
Residuals Management Services, LLC dba EarthCare Vernon, NJ	\$.0549	108,000 (Gallons)	\$1,067,256.00

WHEREAS, **Contract No. 15-07 (Part A) for On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ for a Two (2) Year Period** is a special service to be utilized by the Authority only in emergency circumstances due to weather, bridge maintenance, or other uncontrollable conditions that prevent the barge transportation of liquid sewage from Little Ferry to Newark; and

WHEREAS, the Authority's Qualified Purchasing Agent and Chief Engineer/Director of Water Pollution Control have reviewed the bid proposals and have recommended that **Russell Reid Waste Hauling and Disposal Service Co., Inc.** should be awarded **Contract No. 15-07 (Part A)** at the **Unit Price \$0.0494 per Gallon, up to 120,000 Gallons not to exceed the total amount of \$1,067,040.00 for a Two (2) Year Period** (based on 120,000 gallons multiplied by the 90 day maximum and the unit price), in accordance with N.J.S.A. 40A:11-4, as the lowest complying and responsible bidder; and

WHEREAS, the Contract Documents and Bid Specifications for **Contract No. 15-07** provide at Section 00100-4 that "Bidders may propose a Minimum Daily Capacity Commitment ["MDCC"] of less than 205,000 gallons/day ...In the event that the lowest cost qualified responsive Bidder proposes a [MDCC] of less than 205,000 Gallons, the Authority will select the next lowest responsive Bidder(s) based upon the next lowest Contract Evaluation Price for the associated [MDCC]. If the sum of the [MDCC] from the lowest and next qualified responsive Bidders equals or is greater than 205,000 gallons per day, the Authority will select these two bidders for the provision of the work"; and

WHEREAS, Russell Reid Waste Hauling and Disposal Service Co., Inc. submitted a bid for a total capacity of 120,000 gallons, leaving the Authority in need of an additional 85,000 gallons of capacity for **On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ for a Two (2) Year Period** as called for under the bid specifications; and

WHEREAS, the Authority's Qualified Purchasing Agent and the Director of Water Pollution Control / Chief Engineer have reviewed the bid proposal of **Residuals Management Service, LLC d/b/a EarthCare** and have recommended that **Residuals Management Service, LLC d/b/a EarthCare** should be awarded **Contract No. 15-07 (Part B)** at the **Unit Price \$0.0549 per gallon, up to the remaining 85,000 Gallons per day not to exceed the total amount of \$1,067,256.00 for a Two (2) Year Period** (based on 85,000 gallons multiplied by the 90 day maximum and the unit price), in accordance with N.J.S.A. 40A:11-4, as the second lowest complying and responsible bidder; and

WHEREAS, it is in the best interests of the Authority to utilize the additional capacity of the second lowest bidder **Residuals Management Service, LLC d/b/a EarthCare** in accordance with the provisions and protocols set forth in Section 01000, Part 1.02(F) and (G) of the Contract Documents and Bid Specifications in order to achieve the anticipated daily transportation and disposal of liquid sludge as required by the Authority; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Russell Reid Waste Hauling and Disposal Service Co., Inc.** and **Residuals Management Service, LLC d/b/a EarthCare** constitute the lowest complying and responsible bidders for **Contract No. 15-07** in accordance with N.J.S.A. 40A:11-4; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this Contract is necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for the purpose.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. **Russell Reid Waste Hauling and Disposal Service Co., Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder for **On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ for a Two (2) Year Period**, constituting **Contract No. 15-07 (Part A)** at the **Unit Price \$0.0494 per Gallon, up to 120,000 Gallons per day not to exceed the amount of \$1,067,040.00 for a Two (2) Year Period** (based on 120,000 gallons multiplied by the 90 day maximum and the unit price).

2. **Residuals Management Service, LLC d/b/a EarthCare** shall be and is hereby determined to be the second lowest complying and responsible bidder for **On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ**, constituting **Contract No. 15-07 (Part B)** at the **Unit Price \$0.0549 per gallon, up to the remaining 85,000 Gallons per day not to exceed the total amount of \$1,067,256.00 for aTwo (2) Year Period** (based on 85,000 gallons multiplied by the 90 day maximum and the unit price).

3. The Chairman shall be and is hereby authorized to execute agreements with **Russell Reid Waste Hauling** and with **Residuals Management Service, LLC d/b/a EarthCare** for **On Call Transportation and Disposal of Liquid Sludge by Truck from Little Ferry, NJ to Newark, NJ**, constituting **Contract No. 15-07(Part A and B)** in the respective amounts specified above.

4. The Authority shall utilize the additional capacity of the second lowest bidder **Residuals Management Service, LLC d/b/a EarthCare** to provide for the transportation and disposal of liquid sludge in excess of 120,000 gallons per day.

5. The bid security of all unsuccessful bidders shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.

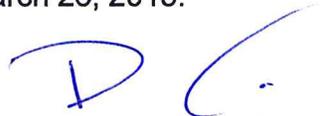
6. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

7. A notice of these contract awards shall be published in the form prescribed by law.

8. A copy of this Resolution and the agreements executed pursuant to this Resolution, along with Contract No. 15-07, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Russell Reid Waste Hauling (Contract No. 15-07 Part A), Residuals Management Service, LLC d/b/a EarthCare and the Authority.

9. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: **March 26, 2015**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-015

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

WASTE DISPOSAL - SLUDGE DISPOSAL
W-670-60500-000

VENDOR

RUSSEL REID WASTE HAULING
& DISPOSAL SERVICE CO., INC.

CONTRACT NUMBER

15-07

REASON

ON CALL TRANSPORTATION & DISPOSAL
OF LIQUID SLUDGE BY TRUCK

AMOUNT

\$1,067,040.00

CONTRACT LENGTH

APRIL 1, 2015 - MARCH 31, 2017



ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Grounds Maintenance Services – One (1) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. 13-05**; and

WHEREAS, by way of Resolution 13-2-017 dated February 26, 2013, **Pat Scanlan Landscaping, Inc.** was determined to be the lowest complying and responsible bidder for **Grounds Maintenance Services**, constituting **Contract No. 13-05** for a total contract price of \$63,527.00 per year; and for the optional year for a total contract price of \$63,527.00; and

WHEREAS, by way of Resolution 13-2-017 dated February 26, 2013, the Chairman was authorized to execute an agreement with **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services**, constituting **Contract No. 13-05** for a total contract price of **\$63,527.00** for the **initial One (1) Year Period**; and

WHEREAS, pursuant to the bid specifications of **Contract No. 13-05**, the Authority by way of Resolution previously exercised the first **One (1) Year Option** of **Contract No. 13-05** and the Authority has the option to extend the contract for **Grounds Maintenance Services** with **Pat Scanlan Landscaping, Inc.** for an additional **One (1) Year Period** in the total sum of **\$63,527.00** for **Year Three (3)** of **Contract No. 13-05**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15(44) the Authority finds **Pat Scanlan Landscaping, Inc.** has performed **Contract No. 13-05** for **Grounds Maintenance Services** in an effective and efficient manner; and

WHEREAS, exercising the second **One (1) Year Option** of **Contract No. 13-05** to **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services** is necessary for the efficient operation of the Authority; and

WHEREAS, the Acting Treasurer of the Authority has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. The Executive Director shall be and he is hereby authorized to execute an agreement with **Pat Scanlan Landscaping, Inc.** for **Grounds Maintenance Services**, pursuant to and in accordance with **Contract No. 13-05**, which exercises the second **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year Period** (from April 1, 2015 through March 31, 2016) in the total sum of **\$63,527.00**.

2. All other terms of **Contract No. 13-05** shall remain in full force and effect without modification.

15-2-016

3. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

4. A notice of this contract award shall be published in the form prescribed by law.

5. A copy of this Resolution and the Agreement executed pursuant to this Resolution, along with Contract No. 13-05, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Pat Scanlan Landscaping, Inc. and the Authority.

6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-016

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

SVCS- BLDG & GROUNDS OUTSOURCE
A-620-56200-000

VENDOR

PAT SCANLAN LANDSCAPING INC.

CONTRACT NUMBER

13-05
SECOND ONE YEAR OPTION

REASON

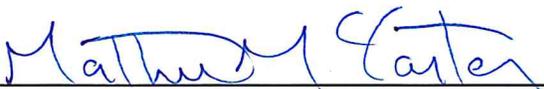
GROUNDS MAINTENANCE SERVICE

AMOUNT

\$63,527.00

CONTRACT LENGTH

APRIL 1, 2015 - MARCH 31, 2016



ACTING TREASURER

15-2-017

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, the Bergen County Utilities Authority maintains a fleet management plan in order to ensure the maintenance, safety and efficiency of its operations; and

WHEREAS, the Plant Manager and Director of Water Pollution have identified the need to auction five vehicles which have reached the end of their useful and efficient value and purchase five replacement vehicles currently available on State Contract; and

WHEREAS, the Local Public Contracts Law, at N.J.S.A. 40A:11-12, provides that contracting units may purchase goods and/or services pursuant to contracts authorized by the State of New Jersey without the necessity of public bidding therefore; and

WHEREAS, **Hertrich Fleet Services, Inc.** has been awarded New Jersey State Contract **SC- A83011 (Index T-2007) & SC-A85438 (Index T-2099)** for **Sale of Vehicles**; and

WHEREAS, on March 24, 2015, **Hertrich Fleet Services, Inc.** provided the Authority with a quotation for the **Purchase of Four Vehicles** under New Jersey State Contract **SC-A83011 (Index T-2007) & SC-A85438 (Index T-2099)**, in the amount of **\$79,166.00** for the Little Ferry and Edgewater sites; and

WHEREAS, **Beyer Ford** has been awarded New Jersey State Contract **SC-A83013** for **Sale of Vehicles**; and

WHEREAS, on March 19, 2015, **Buyer Ford** provided the Authority with a quotation for the **Purchase of One Vehicle** under New Jersey State Contract **SC-A83013**, in the amount of **\$24,708.00** for the Little Ferry and Edgewater sites; and

WHEREAS, the **Purchase of Five Vehicles** may be procured through State Contract **SC-A83011 (Index T-2007), SC-A85438 (Index T-2099) & SC-A83013** for a total cost of **\$103,874.00** for the Little Ferry and Edgewater sites as quoted by **Hertrich Fleet Services, Inc. and Beyer Ford**; and

WHEREAS, contracts awarded pursuant to authorization from the State of New Jersey are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for this purpose; and

15-2-017

15-2-017

WHEREAS, the Bergen County Utilities Authority (the "Authority") has determined that surplus items, including but not limited to five vehicles, are property no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the Authority has the property listed in **Schedule A**, attached hereto and incorporated herein, and desires to sell this property online.

WHEREAS, the award of this Contract is necessary for the efficient operation of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority, as follows:

1. The Executive Director or his designee be and is hereby authorized to execute two separate purchase orders, or purchase orders as may be required, for **Purchase of Five Vehicles** in the amount of **\$103,874** for the Little Ferry and Edgewater sites, as per the quotation of **Hertrich Fleet Services, Inc. & Beyer Ford**, dated March 24, & March 19, 2015, and in accordance with the terms of New Jersey State Contract **SC-A83011 (Index T-2007), SC-A85438 (Index T-2099) & SC-A83013**.

2. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.

3. The Executive Director, or his designee, shall be and is hereby authorized to execute a purchase order memorializing the Authority's entry into an agreement with GovDeals, Inc. for the online auction of Authority Excess Personal Property on GovDeals.com for the sale of excess personal property, upon terms and conditions as follows:

Online Auction Site:	www.govdeals.com
Length of Auction:	10 Days.
Auction Fees:	7.5% of the winning bid amount, paid through proceeds of the sale.
Shipping:	All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Foot of Empire Blvd, Moonachie, NJ 07074.
Possession:	Within 10 business days (excluding holidays) of winning bid and at pickup location.

15-2-017

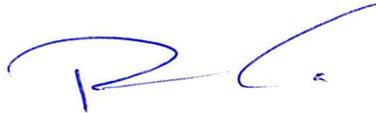
15-2-017

Other Terms:

All items are being sold "as is, where is". Payment by the bidder must be submitted to the Bergen County Utilities Authority within 5 business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within 10 business days (excluding holidays) of winning bid unless other arrangements have been made prior.

4. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2015

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-017

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

CAPITAL OUTLAY
W-200-80800-000

VENDOR

BEYER FORD

CONTRACT NUMBER

NEW JERSEY STATE CONTRACT
SC-A83013

REASON

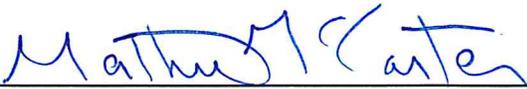
PURCHASE ONE VEHICLE

AMOUNT

\$24,708.00

CONTRACT LENGTH

N/A



ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 03/26/2015

RESOLUTION #: 15-2-017

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

CAPITAL OUTLAY
W-200-80800-000

VENDOR

HERTRICH FLEET SERVICES INC.
NEW JERSEY STATE CONTRACT

CONTRACT NUMBER

SC-A83011
SC-A85438

REASON

PURCHASE OF FOUR VEHICLES

AMOUNT

\$79,166.00

CONTRACT LENGTH

N/A



ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, the Bergen County Utilities Authority (the "Authority") serves as a body politic and corporate constituting a political subdivision of the State of New Jersey, existing under and by virtue of N.J.S.A. 40:14B-1 et seq.;

WHEREAS, Section Two (2) of the Authority By-Laws sets forth the designation of the Authority Officers as the Chair, Vice Chair and Secretary;

WHEREAS, Section Three (3) of the Authority By-Laws sets forth the duties, powers and job description of the Secretary of the Authority;

WHEREAS, the Authority previously established the position of Secretary of the Authority, pursuant to N.J.S.A. 40:14B-18;

WHEREAS, a vacancy currently exists and it is necessary for the efficient functioning of the Authority that a Secretary of the Authority be appointed at this time;

WHEREAS, the Commissioners of the Authority consider **Michael Henwood** competent and qualified to perform the duties of the office of Secretary of the Authority, on an at-will basis at the pleasure of the Commissioners, commencing upon the approval of the minutes of the meeting of March 26, 2015, or ten (10) days after the copy of the minutes shall have been delivered to the County Executive, as provided for pursuant to N.J.S.A. 40:14B-14(b), whichever occurs earlier; and

WHEREAS, the Authority concludes that the appointment contemplated herein shall be and is hereby determined to be necessary for the efficient operations of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. **Michael Henwood** shall be and is hereby appointed to serve as Secretary of the Authority, on an at-will basis at the pleasure of the Commissioners, commencing upon the approval of the minutes of the meeting of March 26, 2015, or ten (10) days after the copy of the minutes shall have been delivered to the County Executive, as provided for pursuant to N.J.S.A. 40:14B-14(b), whichever occurs earlier.
2. Unless otherwise directed by the Chairman of the Board, the Secretary of the Authority shall report to the Executive Director of the Authority; and
3. Any and all resolutions, appointments, engagements and/or agreements inconsistent herewith shall, to the extent of their inconsistency, be and the

same are hereby superseded, and this resolution shall serve as authorization to implement the terms hereof.

4. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of March 26, 2015.



Richard Wierer
Acting Secretary

Dated: March 26, 2016