

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
JUNE 27, 2019**

**In the matter of the 483<sup>rd</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the June 27, 2019, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman  
Louis DeLisio, Vice Chairman  
Catherine T. Bentz, Commissioner  
Bruce Bonaventuro, Commissioner  
Daniel Gumble, Commissioner  
Paul A. Juliano, Commissioner  
Thomas S. Kelley, Commissioner  
Peter C. Massa Jr., Commissioner  
Jon Warms, Commissioner

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

3. Motion that the Minutes covering the May 23, 2019 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner DeLisio and was carried. Commissioner Massa and Commissioner Gumble abstained.

4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 19-1-029 - Approve bills and the claims supported by vouchers totaling \$7,276,802.57 for the month of June 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 DeLisio and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 19-2-049 – Award Contract 19-11 to Polydyne, Inc. - Furnish and Deliver Liquid Emulsion Hi Molecular Weight Cationic Polymer for WAS Gravity Belt Thickener. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner

Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-050 - Award Contract 19-21 to Applied Analytics, Inc. - Furnish and Deliver Instrumentation Equipment Parts and Supplies. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-051 – Authorize Emergency Repairs for Req. 111821- Westwood Cemetery – Montana Construction. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-052 - Authorize Amendment of Professional Services Contract– Northern Valley Force Main Assessment Project – CME Associates, LLP. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-053 – Authorize Amendment of Professional Services Contract – Edgewater Force Main Project – Alaimo Group. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-054 - Award Professional Services Contract – Meter Chamber 153 (Westwood) – Odor Control Project – Boswell Engineering. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-2-055 - Authorize payment of two (2) vouchers submitted by NBLG in connection with the Edgewater Project (and under the compensation budget set by Resolution 19-2-027). Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL AND ADMINISTRATION COMMITTEE:

Resolution 19-3-007 - Designation of Richard Wierer as the Authority's Temporary Purchasing Agent Pursuant to N.J.A.C. 5:32-4. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. STRATEGIC PLANNING COMMITTEE:

Resolution 19-6-002 - Authorize Shared Services Agreement with County of Bergen for Sharing of County owned Emergency and Non-Emergency Equipment and for Provision of

**BERGEN COUNTY UTILITIES AUTHORITY**  
**Minutes of the Regular Meeting**  
**June 27, 2019**

Vehicle Maintenance Services. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 19-6-003 - Authorize Shared Services Agreement with Northwest Bergen County Utilities Authority for Provision of T.V. Inspection and Sewer Jet Services. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

9. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
10. Chairman Phillips announced the Regular Meeting would reconvene.
11. The Board Secretary then distributed proposed minutes of the June 27, 2019 Regular Meeting for review by the Commissioners.
12. Motion to approve the Minutes of the Regular Meeting June 27, 2019 as distributed by the 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 June 27, 2019 was made by Commissioner DeLisio and Seconded by Commissioner Kelley and was unanimously carried with Commissioner Juliano abstaining.
13. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

<b>Resolution #</b>	<b>19-1-029</b>	<b>19-2-049</b>	<b>19-2-050</b>	<b>19-2-051</b>	<b>19-2-052</b>	<b>19-2-053</b>	<b>19-2-054</b>
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	R	R	R	R	R	R	R
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y	Y

<b>Resolution #</b>	<b>19-2-055</b>	<b>19-3-007</b>	<b>19-6-02</b>	<b>19-6-003</b>
Chairman Phillips	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y
Comm. Juliano	R	R	Y	Y
Comm. Kelley	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y

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

Respectfully submitted,



Michael Henwood  
Board Secretary

**Date: June 27, 2019**

**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** for a **Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-11**; and

**WHEREAS**, the following bid proposals were received by the Authority on **June 4, 2019** for **Contract No. 19-11**:

<b>Vendor</b>	<b>Type</b>	<b>Unit Price (Per/ lb)</b>	<b>Total Bid Price (Two (2) Years)</b>
Polydyne, Inc. Riceboro, GA	Clarifloc NE-1811 Clarifloc NE-2314	\$0.95 \$0.98	\$969,000.00 \$999,600.00
Solenis, LLC Wilmington, DE	Praestol K133 L674985	\$1.31	\$1,336,200.00
Marubeni Specialty Chemicals, Inc. White Plains, NY	Kolon K916C	\$2.00	\$1,020,000.00

; and

**WHEREAS**, Appendix A to the bid documents for **Contract No. 19-11** 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. 19-11** specifies an extensive testing protocol that must be completed prior to the awarding of this contract in order to enable the Authority to evaluate and determine the lowest complying and responsible bidder; and

**WHEREAS**, following the receipt of the bid proposals for **Contract No. 19-11** identified and listed above, Authority staff tested the polymer samples pursuant to the extensive testing protocol specified in **Contract No. 19-11** in order to determine which vendor submitted the most cost effective polymer and, therefore, submitted the lowest complying and responsible bid received by the Authority; and

**WHEREAS**, the performance test data has been reviewed and evaluated by the Authority's Operation and Maintenance Department as set forth in a written memorandum, dated June 21, 2019, from the Authority's Director of Water Pollution Control to the Authority's Interim Qualified Purchasing Agent (the "Memorandum"); and

**WHEREAS**, the Authority's Director of Water Pollution Control has reviewed the results and recommendation embodied in the Memorandum and recommends that **Polydyne Inc.** be awarded **Contract No. 19-11** for a **Two (2) Year Period** for its product **Clarifloc NE-2314**, for a

unit price of **\$0.98/lb** and a total amount not to exceed the sum of **\$969,000.00** 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. 19-11** for a **Two (2) Year Period**, 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. **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** constituting **Contract No. 19-11** for a **Two (2) Year Period** for its product **Clarifloc NE-2314** for a unit price of **\$0.98/lb** and a total amount not to exceed the sum of **\$969,000.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **Polydyne Inc.** of 1 Chemical Plant Road, Riceboro, GA 31323 to **Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener** for a **Two (2) Year Period** constituting **Contract No. 19-11**, for its product **Clarifloc NE-2314** with a unit price of **\$0.98/lb** and a total amount not to exceed the sum of **\$969,000.00** without further approval of the Commissioners of the Authority.

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, if any, 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 contract executed pursuant to this Resolution, along with **Contract No. 19-11**, 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.

**19-2-049**

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 June 27, 2019.



---

Michael Henwood  
Secretary

**Dated: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-049

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

POLYMERS  
W-320-59700-000

VENDOR

POLYDYNE, INC.

CONTRACT NUMBER

19-11

REASON

FURNISH & DELIVER CLARIFLOC NE-2314 CATIONIC  
POLYMER FOR WASTE ACTIVATED  
SLUDGE / GRAVITY BELT THICKENER

AMOUNT

\$969,000.00

CONTRACT LENGTH

JULY 1, 2019 - JUNE 30, 2021

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, there exists the need to **Furnish and Deliver Instrumentation Equipment, Parts and Supplies** in order to ensure the ongoing necessary and efficient operations of the Bergen County Utilities Authority (the "Authority"); 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**, **Applied Analytics Inc., One Highway 12 Plaza One, Flemington, New Jersey 08822** was previously awarded New Jersey State Contract **A85089 (Index No. T-0983)** for **Environmental Testing Instruments**; and

**WHEREAS**, the Authority may procure the **Furnish and Deliver Instrumentation Equipment, Parts and Supplies** through State Contract **A85089 (Index No. T-0983)** for **Environmental Testing Instruments** for a total cost of **\$184,000.00** pursuant to the terms of said State Contract; and

**WHEREAS**, it has been recommended by the Authority's Interim Qualified Purchasing Agent and the Director of Water Pollution Control that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, for the Authority to procure **Furnish and Deliver Instrumentation Equipment, Parts and Supplies** from **Applied Analytics Inc.** through New Jersey State Contract **A85089 (Index No. T-0983)** for **Environmental Testing Instruments**; 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

**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 shall be and is hereby authorized to execute a purchase order, or purchase orders as may be required, to procure the **Furnish and Deliver Instrumentation Equipment, Parts and Supplies** in the total amount of

**19-2-050**

**\$184,000.00** from **Applied Analytics Inc.**, pursuant to, and in accordance with, the terms of New Jersey State Contract **A85089 (Index No. T-0983)** for **Environmental Testing Instruments**.

2. The Authority shall be responsible to ensure that the goods and/or services procured through New Jersey State Contract **A85089 (Index No. T-0983)** pursuant to this Resolution comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

3. A copy of this Resolution and a copy of any contract(s) entered into by the Authority pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director.

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

5. 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 June 27, 2019.



\_\_\_\_\_  
Michael Henwood  
Secretary

**Dated: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-050

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

INSTRUMENTATION

W-550-62100-000

VENDOR

APPLIED ANALYTICS INC.

CONTRACT NUMBER

STATE CONTRACT A85089

REASON

FURNISH & DELIVER INSTRUMENTATION  
EQUIPMENT, PARTS, & SUPPLIES FOR  
ENVIRONMENTAL TESTING INSTRUMENTS

AMOUNT

\$184,000.00

CONTRACT LENGTH

JULY 1, 2019 TO JUNE 30, 2020

Matthew Carter

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. to provide the services enumerated in N.J.S.A. 40:14B-2 in the County of Bergen, including but not limited to sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

**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 Authority plays an important role in providing these essential services within the Authority's sewer service district, which is within Bergen County; and

**WHEREAS**, the Authority owns and operates sewer lines situated in Bergen County, including a 30" sewer line and a 54" sewer line that traverse the Westwood Cemetery in the Borough of Westwood, Bergen County, New Jersey; and

**WHEREAS**, the Authority was notified that a sinkhole had formed at the Westwood Cemetery due to a breach in the Authority's 30" sewer line and, following investigation, a significant collapse was discovered by the Authority; and

**WHEREAS**, Neglia Engineering Associates, based upon their review of the investigation results, recommended to the Authority that approximately sixty (60) linear feet of the 30" sewer line needed to be removed and replaced on an urgent basis; and

**WHEREAS**, the Authority directed Neglia Engineering Associates to obtain quotes for the necessary work to be performed and, based upon the quotes received, the Authority's Director of Engineering executed a Certificate of Emergency dated February 22, 2019 and the Authority directed Montana Construction Inc., the lowest complying and responsible bidder, to proceed with the necessary repairs; and

**WHEREAS**, during the performance of the necessary repairs to the 30" sewer line, it was observed that the existing sewer line had settled over the years and an additional seventy-five (75) linear feet of the 30" sewer line was required to be removed and replaced; and

**WHEREAS**, the Authority, based upon these observations that additional repairs were necessary and needed to be performed on an urgent basis, directed Montana Construction Inc., which had already commenced the repair work on the initially

discovered damaged section of the 30" sewer line, to expand the scope of their work and remove and replace this additional seventy-five (75) linear feet of the 30" sewer line; and

**WHEREAS**, N.J.S.A. 40A:11-6 authorizes the Authority to negotiate or award a contract without competitive bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Director of Engineering executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated February 22, 2019, as supplemented by a Certificate of Emergency dated March 25, 2019, true and correct copies of which are annexed hereto and incorporated herein and made a part hereof by reference as if more fully set forth herein; and

**WHEREAS**, the Director of Engineering, based upon the findings of Neglia Engineering Associates, and the observations of Montana Construction Inc. while performing repairs on the 30" sewer main, certified within said Certifications of Emergency that the sinkhole in the Westwood Cemetery was an immediate health and safety concern as it was draining a pond in the Westwood Cemetery into the damaged 30" sewer main and, based upon these conditions, the Director of Engineering recommended that the repairs to the 30" sewer line as were recommended by Neglia Engineering Associates be immediately performed by Montana Construction Inc.; and

**WHEREAS**, **Requisition No. 111821** was issued on or about June 7, 2019, in the amount of **\$109,974.50** for the emergency repair services performed by Montana Construction Inc. as detailed above; and

**WHEREAS**, the Director of Engineering has determined and recommended that Montana Construction, Inc. is competent, qualified, experienced and has a proven reputation performing such services, having previously provided such services to the Authority; and

**WHEREAS**, the Director of Engineering determined that the emergency repairs performed by Montana Construction Inc. to the sinkhole and 30" sewer line in the Westwood Cemetery were emergently required and necessary to ensure the public's health and welfare, as set forth in the Certifications of Emergency referenced above and annexed hereto; and

**WHEREAS**, emergency contracts are exempted from compliance with the fair and open process under 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.

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

1. The Authority hereby authorizes, confirms, ratifies and approves the declaration of emergency by the Authority's Director of Engineering, by the Certification of Emergency dated February 22, 2019 and supplemented by Certification of Emergency dated March 25, 2019, resulting in the emergency repairs to the sinkhole and 30" sewer line in the Westwood Cemetery to preserve the public health, safety and welfare.

2. The Authority hereby accepts the Certifications of Emergency of Dominic DiSalvo, P.E., Director of Engineering, dated February 22, 2019 and March 25, 2019, and same are to be placed on file in the office of the Executive Director and available for public inspection.

3. **Requisition No. 111821 to Montana Construction Inc.** for the emergency repairs to the sinkhole and 30" sewer line in the Westwood Cemetery shall be and is hereby accepted for processing and payment, for an amount not to exceed the total sum of **\$109,974.50**, in accordance with the Authority's emergency purchase protocol, without further action by the Board of Commissioners of the Authority.

4. An Emergency Procurement Form shall immediately be sent to the Division of Local Government Services.

5. The Acting Treasurer's Certification that funds are available shall be maintained on file at 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 forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of June 27, 2019.



\_\_\_\_\_  
Michael Henwood  
Secretary

**Dated: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-051

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

MONTANA CONSTRUCTION, INC.

CONTRACT NUMBER

REQUISITION NO. 111821

REASON

EMERGENCY REPAIRS TO THE SINKHOLE  
& 30" SEWER LINE IN THE WESTWOOD CEMETARY

AMOUNT

\$109,974.50

CONTRACT LENGTH

TO COMPLETION

Matthew M. Carter

ACTING TREASURER

**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 forty-seven (47) municipalities in the County of Bergen serving approximately 575,000 people; and

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 14-2-019 adopted March 27, 2014, appointed **CME Associates, LLP** to serve as consulting engineer to the Authority and assist the Authority with **Condition Assessment of Sewage Force Mains**; and

**WHEREAS**, Resolution 14-2-019 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **CME Associates, LLP** (the "Contract") memorializing the scope of services to be provided by **CME Associates, LLP** to the Authority, and performing such professional engineering services for the Authority in connection with the **Condition Assessment of Sewage Force Mains** on an as-needed basis as requested by the Authority, pursuant to which payment by the Authority to **CME Associates, LLP** is not to exceed the total sum of \$1,333,700.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Contract was executed by and on behalf of the Authority and **CME Associates, LLP** effective March 27, 2014; and

**WHEREAS**, **CME Associates, LLC**, operating under the Contract, has continued to provide significant necessary and valuable engineering services to the Authority in assisting the Authority with the **Condition Assessment of Sewage Force Mains** since the commencement of the term of the Contract; and

**WHEREAS**, **CME Associates, LLP**, by written correspondence dated June 20, 2019 (the "Proposal"), proposed to perform additional assessments of the 42" diameter Northern Valley Force Main as part of the professional engineering services being performed by **CME Associates, LLP** in assisting the Authority with the **Condition Assessment of Sewage Force Mains**; and

**WHEREAS**, **CME Associates, LLP** set forth within the Proposal an anticipated budget estimate in the amount of \$444,000.00 for the performance of the services necessary to undertake and complete the additional assessment of the 42" diameter Northern Valley Force Main; and

**WHEREAS**, as of June 26, 2019, **CME Associates, LLP** has expended approximately \$1,060,688.00 in services to the Authority under the Contract and the Contract provides for a compensation budget of \$1,333,700.00 to be paid by the Authority to **CME Associates, LLP** for services performed pursuant thereto; and

**WHEREAS**, **CME Associates, LLP** has requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$200,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$1,533,700.00; and

**WHEREAS**, the Executive Director of the Authority has determined that **CME Associates, LLP** has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by **CME Associates, LLP** under the Contract, including but not limited to those services set forth in the Proposal necessary to undertake and complete the additional assessment of the 42" diameter Northern Valley Force Main, is essential to the proper and effective operation of the Authority and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the Proposal submitted to the Authority by **CME Associates, LLP**, as well the request of **CME Associates, LLP** to increase the compensation budget for the total compensation to be paid by the Authority to **CME Associates, LLP** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **CME Associates, LLP** pursuant to the Contract in the total sum of \$200,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$1,533,700.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for the modification of the Contract pursuant to this Resolution.

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

1. The Contract entered into by and between the Authority and **CME Associates, LLP** shall be and is hereby modified by the Authority and the Contract shall be modified to include within the scope of services to be performed by **CME Associates, LLP** pursuant thereto those services necessary to undertake and complete the additional assessment of the 42" diameter Northern Valley Force Main as is more fully set forth in the Proposal submitted by **CME Associates, LLP** to the Authority and the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$200,000.00 and the total amount of compensation to now be paid by the Authority to **CME Associates, LLP** pursuant to the modified Contract shall not exceed the total sum of \$1,533,700.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute a contract by and between the Authority and **CME Associates, LLP** modifying the Contract as approved and authorized by this Resolution, in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution and the contract modifying the Contract 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 **CME Associates, LLP** and the Authority.

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

5. A notice of this modification of the Contract shall be published in the form prescribed by law.

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 June 27, 2019.



Michael Henwood  
Secretary

**DATED: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-052

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

2014 WPC BOND

VENDOR

CME ASSOCIATES, LLP

CONTRACT NUMBER

14032701

REASON

INCREASE IN THE PROFESSIONAL SERVICE NEEDS  
OF THE AUTHORITY FOR CONDITION  
ASSESSMENT OF SEWAGE FORCE MAINS

AMOUNT

\$200,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in 1947, the Bergen County Utilities Authority (the "Authority"), known at that time as the Bergen County Sewerage Authority, was established by the Bergen County Board of Freeholders and chartered to clean-up polluted rivers and streams by replacing individual ineffective, costly, and outdated municipal wastewater treatment plants with a central, more modern, efficient, and effective treatment facility to be located in Little Ferry, New Jersey; and

**WHEREAS**, in 2007, in accordance with its charter, the Authority acquired the Edgewater wastewater treatment plant located at 520 River Road, Edgewater, New Jersey, from the Edgewater Municipal Utilities Authority (the "Edgewater MUA"); and

**WHEREAS**, the Edgewater MUA's New Jersey Pollutant Discharge Elimination System ("NJPDES") Surface Water Discharge Permit into the Hudson River required additional treatment for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the Edgewater MUA entered into a consent order with the New Jersey Department of Environmental Protection (the "NJDEP") including a compliance plan to achieve the additional treatment required for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the compliance plan required the extension of the existing outfall sewer from the Edgewater MUA wastewater treatment plant at the bulkhead, and more than one thousand (1,000) feet into the Hudson River to provide an adequate dilution and mixing zone resulting in additional treatment; and

**WHEREAS**, after acquiring the Edgewater MUA's wastewater treatment plant, now known as the Authority's Edgewater Water Pollution Control Facility (the "Edgewater WPCF"), the Authority assumed responsibility for the compliance plan for the outfall extension project; and

**WHEREAS**, based upon a value engineering study and report, the Authority ultimately determined that the outfall extension project is not the best and most cost efficient means of achieving compliance with the Authority's NJPDES Surface Water Discharge Permit for the Edgewater WPCF; and

**WHEREAS**, the value engineering report recommended the closure of the Edgewater WPCF and outfall sewer in favor of the construction of a wastewater pump station and force main project (the "Edgewater WPCF Project"), resulting in the pumping of wastewater from the Edgewater WPCF influent pumping station to the Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF") collection system; and

**WHEREAS**, in furtherance of the Authority providing essential services, and in furtherance of the Edgewater WPCF Project, the Board of Commissioners of the Authority, by Resolution 15-2-058 adopted September 24, 2015, appointed Alaimo Group to provide Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project for the duration of the project or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

**WHEREAS**, Resolution 15-2-058 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Alaimo Group (the "Agreement") memorializing the Preliminary Design Phase Services to be provided by Alaimo Group to the Authority for the Edgewater WPCF Project and providing the budget for compensation to be paid by the Authority to Alaimo Group for the providing of those services, pursuant to which payment is not to exceed the total sum of \$505,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Agreement was executed by and on behalf of the Authority and Alaimo Group on September 24, 2015; and

**WHEREAS**, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project since the commencement of the term of the Agreement, resulting in the Board of Commissioners of the Authority, by Resolution 17-2-042 adopted June 22, 2017, modifying the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant thereto in the sum of \$100,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$605,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, following the adoption of Resolution 17-2-042 by the Board of Commissioners on June 22, 2017, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project, and by written correspondence dated March 13, 2018, Alaimo Group advised the Authority that, as of March 13, 2018, Alaimo Group had expended the authorized fee of \$605,000.00 in services to the Authority under the Agreement as amended by Resolution 17-2-042; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 18-2-022 adopted March 22, 2018, modified the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant thereto in the sum of \$125,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$730,000.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, following the adoption of Resolution 18-2-022 by the Board of Commissioners on March 22, 2018, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project, and by written correspondence dated June 18, 2018, Alaimo Group advised the Authority that Alaimo Group would soon fully expend the authorized fee of \$730,000.00 to be paid to Alaimo Group by the Authority under the Agreement as amended by Resolutions 17-2-042 and 18-2-022; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 18-2-038 adopted June 28, 2018, modified the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant thereto in the sum of \$84,480.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$814,480.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, following the adoption of Resolution 18-2-038 by the Board of Commissioners on June 28, 2018, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project, and by written correspondence dated December 12, 2018, Alaimo Group advised the Authority that Alaimo Group would soon fully expend the authorized fee of \$814,480.00 to be paid to Alaimo Group by the Authority under the Agreement as amended by Resolutions 17-2-042, 18-2-022 and 18-2-038; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 18-2-077 adopted December 20, 2018, modified the Agreement by authorizing an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant thereto in the sum of \$75,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$889,480.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, following the adoption of Resolution 18-2-077 by the Board of Commissioners on December 20, 2018, Alaimo Group, operating under the Agreement, continued to provide significant necessary and valuable Preliminary Design Phase Services to the Authority for the Edgewater WPCF Project, and by written correspondence dated June 19, 2019, Alaimo Group advised the Authority that Alaimo Group would soon fully expend the authorized fee of \$889,480.00 to be paid to Alaimo Group by the Authority under the Agreement as amended by Resolutions 17-2-042, 18-2-022, 18-2-038 and 18-2-077 and requested that the Authority increase the compensation budget for the Agreement by the amount of \$125,000.00, resulting in an increase in the total amount of compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement to the total sum of \$1,014,480.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Authority's Director of Engineering has determined that Alaimo Group has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Alaimo Group under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority and necessary for the completion of the Edgewater WPCF Project; and

**WHEREAS**, the Authority's Director of Engineering has reviewed the June 19, 2019 written correspondence of Alaimo Group, including the request of Alaimo Group to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Alaimo Group for services provided by Alaimo Group to the Authority pursuant to the Agreement, and based upon the above determinations and his review of the June 19, 2019 written correspondence, the Authority's Director of Engineering has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Alaimo Group pursuant to the Agreement in the total sum of \$125,000.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$1,014,480.00 without further approval of the Board of Commissioners of the Authority; and

**WHEREAS**, the Authority's Acting Treasurer has certified that funds are available for the modification of the Agreement pursuant to this Resolution

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

1. The Agreement entered into by and between the Authority and Alaimo Group shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$125,000.00 and the total amount of compensation to now be paid by the Authority to Alaimo Group pursuant to the modified Agreement shall not exceed the total sum of \$1,014,480.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and Alaimo Group, modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

3. A copy of this Resolution, the Agreement, and the agreement modifying the Agreement as authorized by this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Alaimo Group and the Authority.

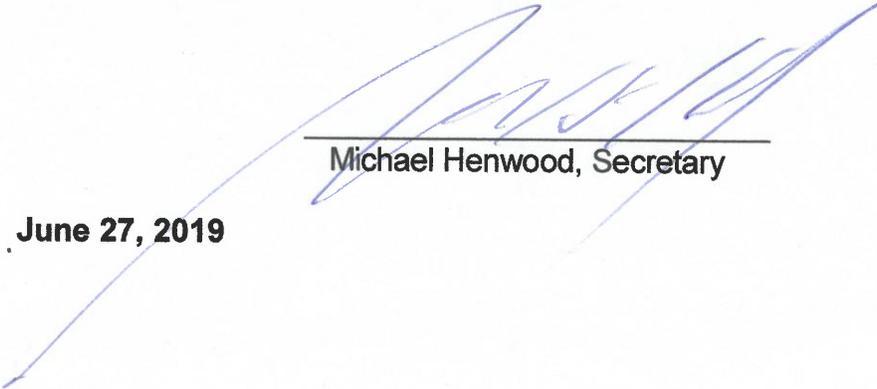
**19-2-053**

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

5. A notice of this modification of the Agreement shall be published in the form prescribed by law.

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 June 27, 2019.



\_\_\_\_\_  
Michael Henwood, Secretary

**Dated: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-053

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

CONSTRUCTION COSTS TO BE REIMBURSED  
W-000-11960-000

VENDOR

ALAIMO GROUP

CONTRACT NUMBER

15092401

REASON

INCREASE IN THE PROFESSIONAL SERVICE  
NEEDS OF THE AUTHORITY FOR  
EDGEWATER WPCF

AMOUNT

\$125,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in 1947, the Bergen County Utilities Authority (the "Authority"), known as that time as the Bergen County Sewerage Authority, was established by the Bergen County Board of Freeholders and chartered to clean-up polluted rivers and streams by replacing individual ineffective, costly, and outdated municipal wastewater treatment plants with a central, more modern, efficient, and effective treatment facility to be located in Little Ferry, New Jersey; and

**WHEREAS**, the operation and maintenance of an effective and efficient water pollution control system, including but not limited to the daily operation of the Authority's Water Pollution Control Facility situated in the Borough of Little Ferry, Bergen County, New Jersey (the "Little Ferry WPCF"), 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 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**, ARCADIS U.S. Inc., at the request of the Authority, accompanied Authority personnel on May 21, 2019 to inspect odor emissions from a meter chamber containing a Parshall flume located at a residence at 425 Kinderkamack Road, Westwood, New Jersey, issuing a technical memorandum to the Authority dated June 13, 2019 (the "ARCADIS Memorandum") summarizing the observations made by ARCADIS U.S. Inc. during the site inspection and recommendations presented by ARCADIS U.S. Inc. to the Authority, based upon the noted observations, to control odor emissions from the meter chamber and two (2) manholes on-site (these recommendations presented to the Authority by ARCADIS U.S. Inc. being, collectively, the "**Odor Control Solution – BCUA Westwood Meter Chamber 153 Project**"); and

**WHEREAS**, based upon the findings contained in the ARCADIS Memorandum, the Authority has determined that it needs to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to perform and provide design and construction management services for the Authority in connection with the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project**; and

**WHEREAS**, said engineering services are recognized as "professional services" as same shall be rendered by person(s) authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type of learning acquired by a prolonged formal

course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

**WHEREAS**, these services were solicited through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised Request for Qualifications ("RFQ"); and

**WHEREAS**, **Boswell Engineering** submitted a Statement of Qualifications to the Authority and the Board of Commissioners of the Authority, by Resolution 19-2-001 adopted January 24, 2019, determined that **Boswell Engineering** is competent, qualified and experienced to provide consulting engineering services to the Authority; and

**WHEREAS**, based on **Boswell Engineering's** Statement of Qualifications and prior history providing consulting engineering services to the Authority, the Authority issued a Request for Proposal ("RFP") dated June 14, 2019, providing a scope of work for the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project**; and

**WHEREAS**, the RFP specified that the consulting engineer shall be required and obligated to indemnify the Authority and provide insurance coverages required by the Authority; and

**WHEREAS**, the RFP specified that the proposal include a schedule of hourly billing rates; and

**WHEREAS**, in response to the RFP, **Boswell Engineering** submitted to the Authority a written proposal dated June 24, 2019 (the "Proposal") to provide professional engineering services to the Authority in connection with the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project** for an amount not to exceed the total sum of **\$18,000.00**, which proposal has been reviewed and determined to be fair and reasonable by the Authority's Director of Engineering; and

**WHEREAS**, the Proposal included attachments including hourly billing rates, Certificate of Liability Insurance naming the Authority as an additional insured, New Jersey Business Registration Certificate, Ownership Disclosure Statement, Affirmative Action Compliance Notice, W-9 Form and Certificate of Employee Information Report; and

**WHEREAS**, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of **Boswell Engineering** to provide these engineering services to the Authority in connection with the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project**; and

**WHEREAS**, the Authority desires to appoint and retain **Boswell Engineering** for the providing of the engineering services to the Authority for the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project** until a successor is selected, or at the

pleasure of the Authority, whichever shall first occur or be exercised, respectively, and for an amount not to exceed the total sum of **\$18,000.00** without further action by the Board of Commissioners of the Authority; and

**WHEREAS, N.J.S.A. 40A:11-1, et seq.** provides that a contract for professional engineering services may be awarded without competitive bidding as a "professional service"; and

**WHEREAS, N.J.S.A. 40A:11-1, et seq.** requires that the resolution authorizing the award of a contract for professional services and the contract itself be available for public inspection; and

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

**WHEREAS,** the health and safety of the individuals living, working and/or visiting in the Authority's sewer service district necessitate the on-going operation and maintenance of the Authority's water pollution control assets including, but not limited to, the completion of the **Odor Control Solution – BCUA Westwood Meter Chamber 153 Project**; and

**WHEREAS,** failure to ensure those continued operations and maintenance of the Authority's water pollution control assets would result in unacceptable threats to the health and safety of Bergen County residents, most immediately those in the Authority's sewer service district, which would be too large in scope to be handled by ordinary municipal and county entities; and

**WHEREAS,** it is the Authority's responsibility that its assets are safeguarded and maintained and that all actions are taken to insure the integrity of the operation of the Authority and the expenditure of ratepayer funds.

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

1. That **Boswell Engineering** shall be and is hereby appointed to provide professional engineering services to the Authority in connection with the **Odor Control Solution - BCUA Westwood Meter Chamber 153 Project** until a successor is selected, or at the pleasure of the Authority, whichever shall first occur or be exercised, respectively, for an amount not to exceed the total sum of **\$18,000.00** without further action by the Board of Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract similar in form and substance to the contract on file at the Authority, by and among the Authority and **Boswell Engineering** memorializing the scope of services and hourly billing

rates to be paid for such services as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

3. A copy of this resolution and the contract retaining **Boswell Engineering** to provide professional engineering services to the Authority in connection with the **Odor Control Solution - BCUA Westwood Meter Chamber 153 Project** as approved and authorized by this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by **Boswell Engineering** and the Authority.

4. The total amount authorized to be paid by the Authority to **Boswell Engineering** pursuant to the contract herein awarded shall not exceed the total sum of **\$18,000.00** without further action by the Board of Commissioners of the Authority.

5. The Acting Treasurer's Certification that funds are available shall be placed on file and made available for public inspection at the Authority and made a part hereof.

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

7. The formal action(s) of the Commissioners of 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 June 27, 2019.



\_\_\_\_\_  
Michael Henwood  
Secretary

**DATED: June 27, 2019**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 6/27/2019

RESOLUTION #: 19-2-054

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

ENGINEERING  
W-350-50400-000

VENDOR

BOSWELL ENGINEERING

CONTRACT NUMBER

16062701

REASON

ODOR CONTROL SOLUTION  
BCUA WESTWOOD METER CHAMBER 153 PROJECT

AMOUNT

\$18,000.00

CONTRACT LENGTH

TO COMPLETION

  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, in 1947, the Bergen County Utilities Authority (the "Authority"), known as that time as the Bergen County Sewerage Authority, was established by the Bergen County Board of Freeholders and chartered to clean-up polluted rivers and streams by replacing individual ineffective, costly, and outdated municipal wastewater treatment plants with a central, more modern, efficient, and effective treatment facility to be located in Little Ferry, New Jersey; and

**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 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 2007, in accordance with its charter and in furtherance of providing these essential services, the Authority acquired from the Edgewater Municipal Utilities Authority (the "Edgewater MUA") the Edgewater wastewater treatment facility known as the Edgewater Water Pollution Control Facility ("Edgewater WPCF") located at 520 River Road, Edgewater Borough, Bergen County, New Jersey and the Authority continues to own and operate the Edgewater WPCF; and

**WHEREAS**, the Edgewater MUA's New Jersey Pollutant Discharge Elimination System ("NJPDES") Surface Water Discharge Permit into the Hudson River required additional treatment for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the Edgewater MUA entered into a consent order with the New Jersey Department of Environmental Protection (the "NJDEP") including a compliance plan to achieve the additional treatment required for the pollutants copper, zinc, and summer and winter ammonia; and

**WHEREAS**, the compliance plan required the extension of the existing outfall sewer from the Edgewater MUA wastewater treatment plant at the bulkhead, and more than one thousand (1,000) feet into the Hudson River to provide an adequate dilution and mixing zone resulting in additional treatment; and

**WHEREAS**, after acquiring the Edgewater WPCF, the Authority assumed responsibility for the compliance plan for the outfall extension project; and

**WHEREAS**, in order to achieve compliance with the Copper, Ammonia-Nitrogen and Zinc effluent limitations, the Edgewater WPCF originally proposed to

extend the outfall to provide sufficient mixing/dilution but due to unforeseen difficulties obtaining permits necessary to construct the extended outfall, specifically the denial by the Army Corps of Engineers of the request of the Authority for the issuance of a permit to extend the outfall further and deeper into the Hudson River, the Authority has proposed an alternative to convert the Edgewater WPCF into a sewage pumping station, construct a sewage force main, and treat the wastewater at the Little Ferry Water Pollution Control Facility (the "Little Ferry WPCF"), which is another facility owned and operated by the Authority located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey and the Authority would then close the Edgewater WPCF and direct all wastewater to the Little Ferry WPCF for treatment (the "Edgewater WPCF Project"); and

**WHEREAS**, the Authority ultimately entered into an Administrative Consent Order (the "2015 ACO") with the NJDEP on May 29, 2015 in order to memorialize an engineering and construction schedule for the Edgewater WPCF Project and provide for Interim Enforcement Effluent Limitations for Copper, Ammonia-Nitrogen and Zinc; and

**WHEREAS**, the wastewater flows from the Edgewater WPCF are now proposed to be treated in a more efficient, effective, and cost effective manner at the Authority's Little Ferry WPCF; and

**WHEREAS**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by, for the purchase of treated effluent by NBLG from the Authority's Little Ferry WPCF; and

**WHEREAS**, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5<sup>th</sup> Street, Suite 1000, Los Angeles, California 90071 ("NBLG"), is proposing the construction of a 1,200 megawatt, natural gas-fired electric generating facility to be located in North Bergen, New Jersey (the "NBLG Facility") along with the installation of underground electric power transmission lines (the "Transmission Lines") extending from the NBLG Facility to Edgewater, New Jersey and continuing under the Hudson River; and

**WHEREAS**, subsequent to the commencement of the Edgewater WPCF Project, the Authority was approached by NBLG for the purchase of treated effluent by NBLG from the Authority, to be delivered by a pipeline extending from the Authority's Little Ferry WPCF to the NBLG Facility (the "Effluent Pipeline") for reuse as a coolant for the NBLG Facility; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, the Authority has engaged professionals, and has continued to fund various activities by those professionals, in order to complete the necessary due diligence and gather the necessary data required by the Authority to complete the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO; and

**WHEREAS**, the proposed routes of the Effluent Pipeline and the Transmission Lines traverse and overlap the same properties in the same general location as the proposed alignment of the sanitary sewer force main to be constructed by the Authority as part of the Edgewater WPCF Project, extending from the Authority's Edgewater WPCF to the Overpeck Trunk Sewer in Ridgefield, New Jersey; and

**WHEREAS**, as a result of the close proximity of the proposed routes of the Authority's sanitary sewer force main and the Effluent Pipeline and Transmission Lines, the professionals engaged by the Authority for the Edgewater WPCF Project advised the Authority that certain due diligence work being undertaken and obtained by NBLG relating to the proposed routes for the Effluent Pipeline and Transmission Lines is essentially the same due diligence work required for the Authority's sanitary sewer force main and can be utilized by the Authority in furtherance of its continuing due diligence investigation for the Edgewater WPCF Project at a savings in cost; and

**WHEREAS**, the Authority, as authorized by the Board of Commissioners pursuant to Resolution 18-2-071 adopted November 19, 2018, entered into the Work Project Sharing Agreement with NBLG dated December 17, 2018, providing for NBLG and the Authority sharing in, and contributing to the payment of, expenses incurred in connection with services provided by those professionals engaged by NBLG and/or the Authority to provide services for and on behalf of NBLG and/or the Authority in connection with the Edgewater WPCF Project and/or the proposed route for the Effluent Pipeline and Transmission Lines, which expenses relate to services provided by engineering consultants including, but not limited to, POWER Engineers, AKRF Environmental and Planning Consultants, GZA, Neglia Engineering Associates and Alaimo Group; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 19-2-027 adopted March 28, 2019, authorized and directed the Executive Director of the Authority to execute purchase orders presented to the Authority by NBLG pursuant to the Work Product Sharing Agreement dated December 17, 2018 entered into by the Authority with NBLG in connection with the Edgewater WPCF Project as authorized by Resolution 18-2-071, for an amount not to exceed the total sum of \$300,000.00 without further approval of the Commissioners of the Authority; and

**WHEREAS**, NBLG has now submitted the following vouchers to the Authority for payment pursuant to the Work Product Sharing Agreement:

- Voucher dated June 13, 2019 for services provided by POWER Engineers, requesting payment in the amount of \$32,315.50; and
- Voucher dated June 13, 2019 for services provided by AKRF, requesting payment in the amount of \$14,330.32.

; and

**WHEREAS**, NBLG, as supported by the vouchers submitted to the Authority, is now requesting payment in the amount of \$46,645.82, which sum represents the Authority's proportionate share of expenses incurred under the Work Product Sharing Agreement entered into by and between the Authority and NBLG; and

**WHEREAS**, the Authority's Director of Engineering has reviewed each of the above referenced vouchers, and all backup billing materials submitted to the Authority by NBLG herewith, and he has concluded and recommended that the Authority should now make payment to NBLG in the amount of \$46,645.82; 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 Authority as follows:

1. The Authority's Acting Director shall be and hereby is authorized and directed to make payment to NBLG in the amount of \$46,645.82 pursuant to the Work Product Sharing Agreement entered into by and between the Authority and NBLG as authorized by Resolution 18-2-071 and as is further authorized and permitted by Resolution 19-2-027.

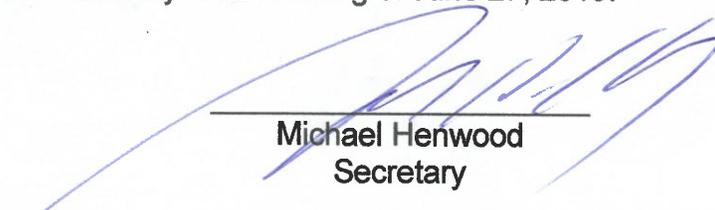
2. A copy of this Resolution shall be placed on file and made available for public inspection in the Office of the Executive Director.

3. A notice of the adoption of this Resolution shall be published in the form prescribed by law.

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

5. The formal action(s) of the Commissioners of 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 June 27, 2019.



\_\_\_\_\_  
Michael Henwood  
Secretary

**Dated: June 27, 2019**

## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

**WHEREAS**, by Resolution 18-3-006 adopted June 28, 2018, the Board of Commissioners of the Bergen County Utilities Authority appointed Richard Wierer, the Authority's Deputy Executive Director, to also serve as the Authority's **Temporary Purchasing Agent** to perform the requisite duties associated with such title as set forth in N.J.A.C. 5:32-4, to administer and/or implement the rules and regulations promulgated thereunder, as amended; and

**WHEREAS**, by correspondence dated June 21, 2019 the State of New Jersey, Department of Community Affairs, Division of Local Government Services granted the Authority's request to extend the Authority's **Temporary Purchasing Agent** term for an additional second year based upon the reasons as more fully set forth therein; and

**WHEREAS**, upon approval by the State of New Jersey, Department of Community Affairs, Division of Local Government Services to extend the term of Richard Wierer to continue serving as the Authority's **Temporary Purchasing Agent** for an additional second year, the Board of Commissioners of the Authority desires to reappoint Richard Wierer as the Authority's **Temporary Purchasing Agent** for this additional approved second year term.

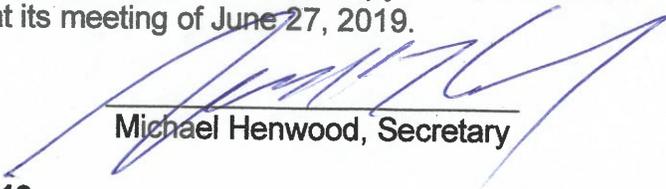
**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the Bergen County Utilities Authority as follows:

1. Richard Wierer, the Authority's Deputy Executive Director, shall be and is hereby designated and reappointed to continue to serve as the Authority's **Temporary Purchasing Agent**, to perform the requisite duties associated with such title, as set forth in N.J.A.C. 5:32-4, to administer and/or implement the rules and regulations promulgated thereunder, as amended, with such designation and reappointment to be effective immediately upon the adoption of this Resolution and retroactive to the initial designation and appointment pursuant to Resolution 18-3-006 adopted June 28, 2018, until such time as a successor is appointed and/or qualified to serve, or at the pleasure of the Authority, whichever shall earliest occur.

2. The Executive Director shall be and he is hereby directed to deliver to the State of New Jersey, Department of Community Affairs, Division of Local Government Services the telephone number and E-mail address of Richard Wierer at the Authority and a copy of this Resolution designating and reappointing Richard Wierer as the Authority's **Temporary Purchasing Agent**.

3. 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 June 27, 2019.

  
\_\_\_\_\_  
Michael Henwood, Secretary

**DATED: June 27, 2019**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority ("Authority") is a county utilities authority, organized pursuant to N.J.S.A. 40:14B-1 et seq. and authorized to provide, inter alia, sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

**WHEREAS**, the County of Bergen ("Bergen County") is a municipal corporation of the State of New Jersey having a principal place of business at One Bergen County Plaza, Hackensack, New Jersey 07601; and

**WHEREAS**, the Authority, among other things in furtherance of providing these governmental services, owns, operates and maintains a wastewater treatment plant located in the Borough of Little Ferry in Bergen County; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes any local unit of the State to enter into an Interlocal Services Agreement with any other local unit(s) for the joint provision within the several jurisdictions of any service which any party to the agreement is empowered to undertake within its own jurisdiction; and

**WHEREAS**, N.J.S.A. 40:14B-20 authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:14B-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. (the "Local Public Contracts Law"); and

**WHEREAS**, the Authority notified Bergen County that it may, from time to time, require the use of certain equipment owned by Bergen County; vehicle maintenance services provided by Bergen County and short term emergency sharing of heavy construction equipment owned by Bergen County; and

**WHEREAS**, Bergen County proposed to the Authority that the parties enter into a shared services agreement, pursuant to which Bergen County will provide this equipment and these services to the Authority on an as needed basis; and

**WHEREAS**, the Authority engaged in discussions with Bergen County regarding the terms of the proposed shared services agreement and the Authority's payment of compensation to Bergen County for the use of equipment by, and the providing of services to, the Authority pursuant thereto, and the Authority considers the formation of a shared services agreement with Bergen County to be necessary and/or desirable for the Authority's continued efficient operations; and

**WHEREAS**, the Executive Director of the Authority has reviewed a proposed shared services agreement with Bergen County and recommends that the Board of

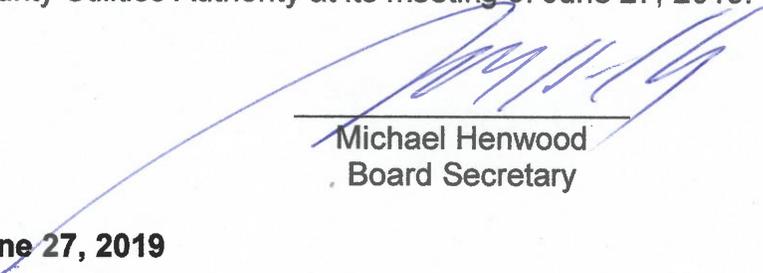
Commissioners of the Authority accept the terms of the proposed shared services agreement with Bergen County on file at the Authority's offices; and

**WHEREAS**, the Authority has determined it is in the best interests of the Authority and its ratepayers to enter such agreement; and

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

1. The Chairman shall be and he is hereby authorized to execute a shared services agreement with Bergen County in final form acceptable to the Commissioners, as evidenced by the Chairman's signature thereon, for the providing of equipment and services to the Authority as provided therein on an as needed basis.
2. A copy of this Resolution, and the shared services agreement entered into with Bergen County 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 Bergen County and the Authority.
3. 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 June 27, 2019.



Michael Henwood  
Board Secretary

**Dated: June 27, 2019**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Bergen County Utilities Authority ("Authority") is a county utilities authority, organized pursuant to N.J.S.A. 40:14B-1 et seq. and authorized to provide, inter alia, sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

**WHEREAS**, the Northwest Bergen County Utilities Authority (the "NWBCUA") is a county utilities authority, organized pursuant to N.J.S.A. 40:14B-1 et seq. and authorized to provide, inter alia, sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes any local unit of the State to enter into an Interlocal Services Agreement with any other local unit(s) for the joint provision within the several jurisdictions of any service which any party to the agreement is empowered to undertake within its own jurisdiction; and

**WHEREAS**, N.J.S.A. 40:14B-20 authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:14B-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. (the "Local Public Contracts Law"); and

**WHEREAS**, the Authority, in furtherance of providing these governmental services, owns, operates and maintains a sanitary sewer collection system which includes over one hundred (100) miles of sanitary sewer lines ; and

**WHEREAS**, the Authority and NWBCUA wish to enter into a shared services agreement, pursuant to which NWBCUA will provide to the Authority TV Inspection Services and Sewer Jetting services for the sanitary sewer lines within the Authority's sanitary sewer collection system for the years 2019 and 2020; and

**WHEREAS**, the Authority engaged in discussions with the NWBCUA regarding the terms of the proposed shared services agreement and the Authority's payment of compensation to the NWBCUA for the providing of services to the Authority pursuant thereto, and the Authority considers the formation of a shared services agreement with the NWBCUA to be necessary and/or desirable for the Authority's continued efficient operations; and

**WHEREAS**, the Executive Director of the Authority has reviewed a proposed shared services agreement with the NWBCUA and recommends that the Board of

Commissioners of the Authority accept the terms of the proposed shared services agreement with the NWBCUA on file at the Authority's offices; and

**WHEREAS**, the NWBCUA, shall adopt a resolution authorizing execution of a shared services agreement to be entered into by and between the Authority and the NWBCUA as detailed herein above, pursuant to which the NWBCUA will provide the services as requested by the Authority at the prices as set forth therein, and any other documents necessary to effectuate the intent and purpose of this shared services agreement; and

**WHEREAS**, the Authority has determined it is in the best interests of the Authority and its ratepayers to enter such agreement with the NWBCUA; and

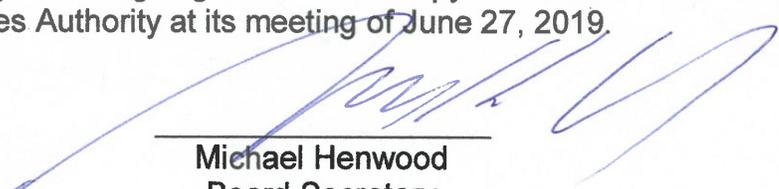
**NOW THEREFORE, BE IT RESOLVED** by the Commissioners of the Bergen County Utilities Authority as follows:

1. The Chairman shall be and he is hereby authorized to execute a shared services agreement with the Northwest Bergen County Utilities Authority in final form acceptable to the Commissioners, as evidenced by the Chairman's signature thereon, for the providing of services by the Northwest Bergen County Utilities Authority to the Authority for the prices to be paid by the Authority to the Northwest Bergen County Utilities Authority as provided for therein.

2. A copy of this Resolution, and the shared services agreement entered into with the Northwest Bergen County Utilities 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 Northwest Bergen County Utilities Authority and the Authority.

3. 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 June 27, 2019.



\_\_\_\_\_  
Michael Henwood  
Board Secretary

**Dated: June 27, 2019**