

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
AUGUST 22, 2019**

**In the matter of the 485TH Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the August 22, 2019, meeting was read into the record by Michael Henwood, Board Secretary.
2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Louis DeLisio, Vice Chairman
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. Executive Director Laux informed the Board that Commissioner Gumble could not attend tonight's meeting due to health concerns. A motion was made to officially excuse Commissioner Gumble, seconded and unanimously carried
4. Motion that the Minutes covering the July 25, 2019 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Warms and was carried.
5. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.
6. FINANCE AND LEGAL COMMITTEE:

Resolution 19-1-038 - Approve bills and the claims supported by vouchers totaling \$4,435,576.99 for the month of August 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.

Resolution 19-1-039 - Ratify and Approve Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of July 2019. 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.

Resolution 19-1-040 - Approve Memorandum of Agreement with Bergen Community College regarding Household Hazardous Waste Collection. 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.

7. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 19-2-064 – Award Contract No. 19-09 to Spectraserv Inc. – Disposal of Grit and Screenings for a One (1) Year Period. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

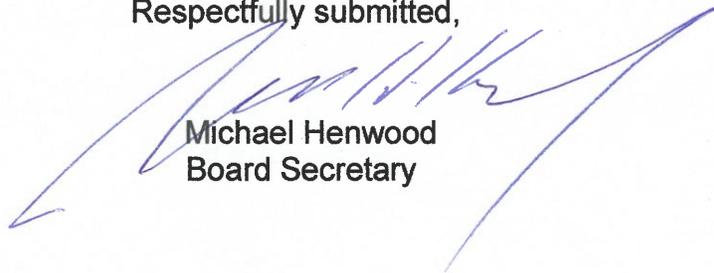
Resolution 19-2-065 - Award Contract for Emergency Transformer Repair T1 Evaluation and Consulting Services – Paulus, Sokolowski and Sartor, LLC. Motion to adopt the resolution was made by Commissioner Kelley and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
9. Chairman Phillips announced the Regular Meeting would reconvene.
10. The Board Secretary then distributed proposed minutes of the August 22, 2019 Regular Meeting for review by the Commissioners.
11. Motion to approve the Minutes of the Regular Meeting August 22, 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 August 22, 2019 was made by Commissioner Kelley and Seconded by Commissioner DeLisio and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	19-1-038	19-1-039	19-1-040	19-2-064	19-2-065
Chairman Phillips	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y
Comm. Bentz	-	-	-	-	-
Comm. Bonaventuro	-	-	-	-	-
Comm. Gumble	-	-	-	-	-
Comm. Juliano	-	-	-	-	-
Comm. Kelley	Y	Y	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y

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

Respectfully submitted,



Michael Henwood
 Board Secretary

Date: August 22, 2019

**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, in addition to those essential services, the Authority operates a Household Hazardous Waste Management and Disposal Program (the "HHW Program") for all residents of Bergen County, providing a location for the proper disposal of household-generated hazardous waste; and

WHEREAS, as part of the HHW Program the Authority conducts multiple events each calendar year where Bergen County residents are provided the opportunity to safely discard household hazardous waste materials for disposal at several different locations, including at Bergen Community College, 400 Paramus Road, Paramus, New Jersey (the "College"); and

WHEREAS, the household hazardous waste materials collected by the Authority at the College during such HHW Program events is ultimately transported by or on behalf of the Authority and disposed of at appropriate hazardous waste collection facilities; and

WHEREAS, under various federal, state and local laws, the College, as a result of the service it provides to the Authority in connection with the HHW Program, may be classified as an owner, operator, generator, transporter, facilitator or some other classification that may expose it to liability pursuant to environmental and other laws; and

WHEREAS, while both the Authority and the College view the HHW Program as a valuable endeavor for the disposal of household hazardous waste materials in an environmentally sound manner, they further agree that the College, serving merely as a drop-off location, should not be exposed to liability pursuant to any law for providing its property as a drop off location as part of the HHW Program; and

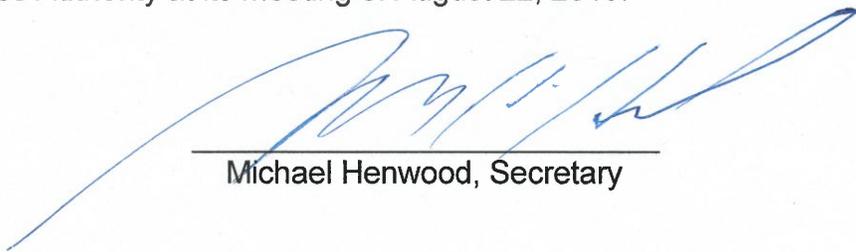
WHEREAS, the Executive Director of the Authority has reviewed a proposed agreement with the College providing for indemnification of the College by the Authority in connection with the use of the College's property as a drop off location for the HHW Program (the "Memorandum of Agreement") and recommends that the Commissioners of the Authority accept the terms of the Memorandum of Agreement with the College on file at the Authority offices; and

WHEREAS, it is in the best interests of the Authority and the College to enter into this Memorandum of Agreement.

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

1. The Executive Director shall be and is hereby authorized to execute the Memorandum of Agreement with Bergen Community College.
2. A copy of this Resolution, the Memorandum of Agreement entered into with Bergen Community College 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 Community College and the Authority.
3. A notice of this Resolution shall be published in the form prescribed by law if required.
4. 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 August 22, 2019.



Michael Henwood, Secretary

Dated: August 22, 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 for **Disposal of Grit and Screenings for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-09**; and

WHEREAS, two (2) bid proposals were received by the Authority for **Contract No. 19-09** on **April 10, 2019**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 19-09**; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 19-2-037 adopted April 25, 2019, rejected each of the two (2) bid proposals received for **Contract No. 19-09**, having determined they were not reasonable as to price on the basis of cost estimates prepared for or by the Authority prior to the advertising therefor and further determining that the "lowest bid substantially exceeds the cost estimates for the goods or services" for **Contract No. 19-09**, in accordance with N.J.S.A. 40A:11-13.2(a) and, as a result of rejecting the two (2) bid proposals received, the Board of Commissioners also authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 19-09 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, subsequent to the adoption of Resolution 19-2-037 by the Board of Commissioners, the Authority's **Director of Water Pollution Control**, while preparing for the rebid of **Contract No. 19-09** by the Authority, discovered and determined that the bid specifications and bid documents for **Contract No. 19-09**, should be substantially revised, as permitted by N.J.S.A. 40A:11-13.2(d), to correct and provide for necessary critical characteristics for the **Disposal of Grit and Screenings for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. 19-09 (Rebid)** and so that **Contract No. 19-09 (Rebid)** may then be re-advertised for bid proposals following the necessary revisions to the bid specifications and bid documents; and

WHEREAS, the Board of Commissioners of the Authority, by way of Resolution 19-2-039 adopted May 23, 2019, authorized and directed the Authority's **Temporary Purchasing Agent**, with assistance from the Authority's **Director of Water Pollution Control**, to revise the bid specifications and bid documents to correct and provide for necessary critical characteristics for the **Disposal of Grit and Screenings**, pursuant to and in accordance with **Contract No. 19-09 (Rebid)**, and further authorized the Executive Director, or his designee, to re-advertise for the solicitation of bid proposals for the **Disposal of Grit and Screenings for Contract No. 19-09 (Rebid)**; and

WHEREAS, as a result of the revisions made to the bid documents for **Contract No. 19-09**, as directed and authorized by Resolution 19-2-039, the Authority advertised and solicited bid proposals for the **Disposal of Grit and Screenings for a One (1) Year Period**, pursuant to and in accordance with **Contract No. 19-09 (Rebid)**; and

WHEREAS, the following bid proposals were received by the Authority on **August 20, 2019**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No.19-09 (Rebid)**:

Vendor	Price Per Ton Little Ferry	Price Per Ton Edgewater	Total Bid Price (One (1) Year)
Spectraserv Inc. Kearny, NJ	\$149.60	\$180.00	\$625,400.00
EPIC, LLC Flanders, NJ	\$151.09	\$151.09	\$627,023.50
Russell Reid Waste Hauling and Disposal Service Co., Inc. Keasbey, NJ	\$169.50	\$169.50	\$703,425.00

; and

WHEREAS, the Authority's **Temporary Purchasing Agent** and the Authority's **Director of Water Pollution Control** have reviewed the bid proposals submitted to the Authority by **Spectraserv Inc., EPIC, LLC** and **Russell Reid Waste Hauling and Disposal Service Co., Inc.** for **Contract No. 19-09 (Rebid)** and have recommended that **Spectraserv Inc.** be awarded **Contract No. 19-09 (Rebid)** 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. 19-09 (Rebid)**, 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 **Contract No. 19-09 (Rebid)** 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** for a **One (1) Year Period**, constituting **Contract No. 19-09 (Rebid)**, for a total amount not to exceed the sum of **\$625,400.00** without further approval of the Commissioners of the Authority.

2. The Chairman shall be and is hereby authorized to execute a contract with **Spectraserv Inc.** of 75 Jacobs Avenue, Kearny, NJ 07032 for the **Disposal of Grit and Screenings** for a **One (1) Year Period**, constituting **Contract No. 19-09 (Rebid)**, for a total amount not to exceed the sum of **\$625,400.00** without further approval of the Commissioners of the Authority.

3. The bid security of all unsuccessful bidders for **Contract No. 19-09 (Rebid)**, 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 contract executed pursuant to this Resolution, along with **Contract No. 19-09 (Rebid)**, 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 August 22, 2019.



Michael Henwood
Secretary

Dated: August 22, 2019

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 8/22/2019

RESOLUTION #: 19-2-064

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

SOLID WASTE DISPOSAL
W-670-60700-000

VENDOR

SPECTRASERV INC.

CONTRACT NUMBER

19-09

REASON

DISPOSAL OF GRITS & SCREENINGS

AMOUNT

\$625,400.00

CONTRACT LENGTH

SEPTEMBER 1, 2019 - AUGUST 31, 2020

Matthew H. Kester
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 transformer identified by the Authority as T1 ("Transformer T1"), which is one (1) of the two (2) main incoming 26.4 kV to 4.16 kV transformers at the Authority's Little Ferry Water Pollution Control Facility located at the Foot of Mehrhof Road, Borough of Little Ferry, Bergen County, New Jersey (the "Little Ferry WPCF"), tripped offline; and

WHEREAS, this failure of Transformer T1 resulted in a loss of power source redundancy, leaving the Little Ferry WPCF with only one (1) source of power from the electrical grid; and

WHEREAS, as Paulus, Sokolowski and Sartor, LLC ("PS&S") was at that time working on the Authority's resiliency project for the main substation providing them with special knowledge of the system, the Authority requested PS&S to assist in the investigation of the source of the safety related activation (tripping) of Transformer T1 and PS&S, by correspondence sent March 13, 2019, advised the Authority of their observations and recommendations to address the failure of Transformer T1; and

WHEREAS, PS&S, in response to the Request for Proposal issued by the Authority, submitted a written proposal to the Authority dated March 20, 2019 (the "Proposal"), providing the proposed scope of work to be undertaken and completed by PS&S to assist in evaluation of the cause of the Transformer T1 issue, including a proposed compensation budget of \$7,500.00 for the completion of the work as set forth in the Proposal; and

WHEREAS, the Authority's Director of Engineering determined that the scope of work to assist in the evaluation of the Transformer T1 issue as set forth in the Proposal, which work was necessary in order for the Authority return the availability of power

redundancy to the Little Ferry WPCF, was required to be commenced and completed on an urgent basis; and

WHEREAS, the Authority directed PS&S to proceed with the necessary evaluation as provided within the Proposal and the Authority's Director of Engineering executed a Certificate of Emergency dated August 14, 2019; 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 August 14, 2019, a true and correct copy of which is 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 the investigation, certified within said Certification of Emergency that the failure of Transformer T1 in the main substation caused a loss of power redundancy for the Authority's Little Ferry WPCF, leaving the Little Ferry WPCF with only a single source of power from the electrical grid and, based upon these conditions, the Director of Engineering recommended that the evaluation of the Transformer T1 issue was required to be immediately performed by PS&S; and

WHEREAS, PS&S submitted to the Authority Invoice No. 133966 dated July 24, 2019 in the amount of **\$7,395.00** for the emergency engineering services performed by PS&S pursuant to the Proposal as detailed above; and

WHEREAS, the Director of Engineering has determined and recommended that PS&S 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 evaluation services performed by PS&S addressing the Transformer T1 issue at the Little Ferry WPCF were emergently required and necessary to ensure the public's health and welfare, as set forth in the Certification 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 August 14, 2019, resulting in the emergency evaluation services to address the Transformer T1 issue at the Little Ferry WPCF, to preserve the public health, safety and welfare.

2. The Authority hereby accepts the Certification of Emergency of Dominic DiSalvo, P.E., Director of Engineering, dated August 14, 2019, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. Invoice No. 133966 submitted to the Authority by **PS&S** for the emergency evaluation services addressing the Transformer T1 issue at the Little Ferry WPCF shall be and is hereby accepted for processing and payment, for an amount not to exceed the total sum of **\$7,395.00**, in accordance with the Authority's emergency purchase protocol, without further action by the Board of Commissioners of the Authority.

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 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 August 22, 2019.



Michael Henwood
Secretary

Dated: August 22, 2019



WATER POLLUTION CONTROL DIVISION
CERTIFICATION OF EMERGENCY

To: BCUA Commissioners

Date: August 14, 2019

From: Dominic DiSalvo, P.E., Director of Engineering

Re: TRANSFORMER #1 FAILURE

This is to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: PS&S

Cost: \$7,500.00

Budget Code: _____

Period: March 2019

Emergency: Failure of transformer #1 in the main substation. Ground fault trip causing loss of redundant 26kV feeder for entire facility, leaving the facility with only one source of power from the electrical grid.

This is requested to be awarded without competitive bids as an "emergency" purchase (NJSA 40A:11-6). I do hereby certify as follows:

1. Quotations have been solicited and are as follows:

Quotation requested from PS&S. Estimate was \$7,500.00

This (is) (is not) the lowest quotation. If not, detailed explanation is as follows:

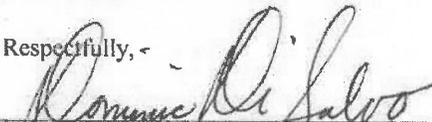
N/A

2. Description of emergency purchase or explanation why it cannot be described by written specification is as follows:

PS&S was working on substation and feeder FEMA project for BCUA, which included evaluating the main substation components for resiliency upgrade. PS&S had most intimate knowledge of system and was brought in to evaluate the issue, reviewing testing reports, and determine a course of action to correct the problem.

3. I have reviewed the rules and regulations of the Division of Local Government Services as contained in the Local Public Contract Guidelines and Regulations (revised) and certify that the proposed contract may be considered as an emergency purchase in accordance with the requirements thereof.

Respectfully, -



Dominic DiSalvo, P.E., BCEE
Director of Engineering

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 8/22/2019

RESOLUTION #: 19-2-065

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 - MISCELLANEOUS EQUIPMENT
W-200-80800-000

VENDOR

PS&S

CONTRACT NUMBER

N/A

REASON

EMERGENCY INVESTIGATION & REPAIRS TO
TRANSFORMER T1 AT THE LITTLE FERRY WPCF

AMOUNT

\$7,395.00

CONTRACT LENGTH

TO COMPLETION

Matthew Mente

ACTING TREASURER