

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
MAY 26, 2016**

**In the matter of the 446<sup>th</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the May 26<sup>th</sup>, 2016 meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman  
Catherine T. Bentz, Commissioner  
Bruce Bonaventuro, Commissioner  
James L. Cassella, Commissioner  
Thomas S. Kelley, Commissioner  
Jon Warms, Commissioner  
George P. Zilocchi, Commissioner

**ALSO PRESENT:** Robert Laux, Executive Director  
Authority Staff and Professional Consultants

3. Motion that the Minutes covering the April 28, 2016 Work Session be approved was moved by Commissioner Kelley and Seconded by Commissioner Bonaventuro and was carried.
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 16-1-030– Approve bills and the claims supported by vouchers totaling \$4,784,247.78 for the month of May and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer’s check list. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-031 – Authorize negotiations for the acquisition of title to or easement or other similar interests in those properties necessary for the undertaking and completion of the Edgewater WPCF Project. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 16-2-033 – Award Contract 14-12 to CJ Vanderbeck & Son, Inc. - Boiler Maintenance for Little Ferry and Edgewater Two (2) Years with Two (2) One (1) Year Options. Motion to adopt the resolution was made by Commissioner Bonaventuro and

Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

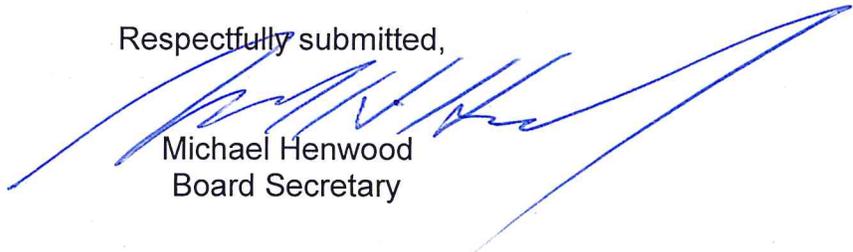
Resolution 16-2-034 – Authorize Professional Engineering Services Agreement – Arcadis – Plant Manuals Upgrade. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
8. Chairman Phillips announced the Regular Meeting would reconvene.
9. The Board Secretary then distributed proposed minutes of the May 26, 2016 Regular Meeting for review by the Commissioners.
10. Move to approve the Minutes of the Regular Meeting of May 26, 2016 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 May 26, 2016 was made by Commissioner Cassella and Seconded by Commissioner Bentz and was unanimously carried.
11. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	16-1-030	16-1-031	16-2-033	16-2-034
Chairman Phillips	Y	Y	Y	Y
V. Chair. DeLisio	-	-	-	-
Comm. Bentz	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y
Comm. Juliano	-	-	-	-
Comm. Kelley	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Respectfully submitted,



Michael Henwood  
 Board Secretary

**Date: May 26, 2016**

**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**, 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 NJDEP has notified the Authority that it is the position of the NJDEP that the Edgewater WPCF may be in violation of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. ("Act") and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-1 et seq., if it not extend the outfall further and deeper into the Hudson River; and

**WHEREAS**, on March 3, 2015, a meeting was conducted with representatives of the Authority and the NJDEP to discuss the proposal for the elimination of the Edgewater WPCF consistent with the Edgewater WPCF Project; and

**WHEREAS**, as a result of the March 3, 2015 meeting and due to the Army Corps of Engineers denying the Authority a permit to extend the outfall into the Hudson River, the NJDEP entered into an Administrative Consent Order (the "2015 ACO") with the Authority 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 on or before July 4, 2019; and

**WHEREAS**, the Authority will be required to acquire title to, or acquire an easement or other interests in, certain properties identified by the Authority's engineers in order to advance the Edgewater WPCF Project pursuant to and consistent with the terms of the 2015 ACO together with access and construction easements/agreements; and

**WHEREAS**, in order to comply with the terms of the 2015 ACO, the Authority is now required to authorize its professionals to commence the process of acquiring title to or

an easement interest in the identified properties, which process includes the Authority exercising its power to condemn real property pursuant to N.J.S.A. 40:14B-20; and

**WHEREAS**, in furtherance of the Edgewater WPCF Project, and as an initial step in the Authority acquiring title to or an easement interest in the identified properties, the Board of Commissioners of the Authority, by Resolution 15-2-059 adopted September 24, 2015, engaged McNerney & Associates, Inc. to provide professional appraisal services to the Authority in connection with the Edgewater WPCF Project; and

**WHEREAS**, McNerney & Associates, Inc. is in the process of completing and providing to the Authority written appraisals placing a fair market value on all properties and property interests which the Authority must acquire as part of the Edgewater WPCF Project; and

**WHEREAS**, once the Authority receives the appraisals prepared and provided to the Authority by McNerney & Associates, Inc., the Authority's General Legal Counsel and Special Legal Counsel, on behalf of the Authority, must pursue and engage in good faith negotiations with the identified property owners and the owners of interests in properties in order to acquire those identified properties and interests in property which the Authority must obtain as part of the Edgewater WPCF Project; and

**WHEREAS**, the Authority has deemed that it is in its best interest and the interest of its ratepayers that the Authority authorize its General Legal Counsel and Special Legal Counsel to pursue and engage in good faith negotiations with the owners of those identified properties and interests in properties that the Authority must acquire, based upon the fair market value of each as set by the appraisals prepared and provided by McNerney & Associates, Inc., in order for the Authority to undertake and complete the Edgewater WPCF Project pursuant to the terms of the 2015 ACO and, where necessary when those negotiations are unsuccessful, to initiate condemnation proceedings to establish those necessary property interests without further action by the Commissioners of the Authority.

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

1. Kaufman, Semeraro & Leibman, L.L.P., as General Legal Counsel, and the Law Offices of Stephen P. Sinisi, Esq., L.L.C., as Special Legal Counsel, shall be and are hereby authorized to pursue and engage in good faith negotiations for the acquisition of title to or easement or other similar interests in those properties necessary for the undertaking and completion of the Edgewater WPCF Project as those properties and interests in properties are determined and identified by the Authority's engineers.

2. In the event the owner of any property and/or property interests which the Authority is required to obtain in order to undertake and complete the Edgewater WPCF Project does not accept the offer presented and the easement or other similar property interests cannot otherwise be acquired through negotiations authorized by this

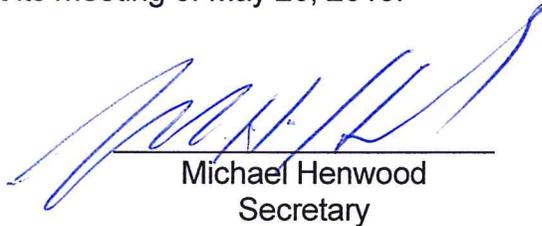
Resolution and approved by the Executive Director of the Authority, then the Authority hereby authorizes Kaufman, Semeraro & Leibman, L.L.P. and the Law Offices of Stephen P. Sinisi, Esq., L.L.C. to initiate procedures to condemn the easement or other similar property interests for the benefit of the Authority, which procedures shall include but not be limited to the filing of a complaint in condemnation with the Superior Court of New Jersey and the filing of a Notice of Taking, without further action or authorization by the Board of Commissioners.

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

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

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 May 26, 2016.



Michael Henwood  
Secretary

Dated: May 26, 2016

**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 **Boiler Maintenance for Little Ferry and Edgewater - Two (2) Year Contract with Two (2) One (1) Year Options**), pursuant to and in accordance with **Contract No. 14-12**; and

**WHEREAS**, by way of Resolution 14-2-035 dated June 26, 2014, **CJ Vanderbeck & Son, Inc.** was determined to be the lowest complying and responsible bidder for **Boiler Maintenance for Little Ferry and Edgewater**, constituting **Contract No. 14-12** for a total contract price of \$264,000.00 for the initial two (2) years; and for the optional years for a total contract price of \$132,000.00 per optional year; and

**WHEREAS**, by way of Resolution 14-2-035 dated June 26, 2014, the Chairman was authorized to execute an agreement with **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater**, constituting **Contract No. 14-12** for a total contract price of **\$264,000.00** for the **Initial Two (2) Year Period**; and

**WHEREAS**, pursuant to the terms of **Contract No. 14-12**, the Authority has the option to extend the contract for **Boiler Maintenance for Little Ferry and Edgewater** with **CJ Vanderbeck & Son, Inc.** for an additional **One (1) Year Period** for the total sum of **\$132,000.00**; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15 the Authority finds **CJ Vanderbeck & Son, Inc.** has performed **Contract No. 14-12** for **Boiler Maintenance for Little Ferry and Edgewater** in an effective and efficient manner; and

**WHEREAS**, exercising the first **One (1) Year Option** of **Contract No. 14-12** to **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater** is necessary for the efficient operation of the Authority; and

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

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

1. The Executive Director shall be and he is hereby authorized to execute an agreement with **CJ Vanderbeck & Son, Inc.** for **Boiler Maintenance for Little Ferry and Edgewater**, pursuant to and in accordance with **Contract No. 14-12**, which exercises the first **One (1) Year Option** by the Authority to extend **Contract No. 14-12** for an additional **One (1) Year Period** (commencing August 1, 2016 and expiring July 31, 2017) for the total sum of **\$132,000.00**.

2. All other terms of **Contract No. 14-12** shall remain in full force and effect without modification.

**16-2-033**

3. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.
4. A notice of this contract award shall be published in the form prescribed by law.
5. A copy of this Resolution and the Agreement executed pursuant to this Resolution, along with Contract No. 14-12, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by CJ Vanderbeck & Son, Inc. and the Authority.
6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of May 26, 2016.



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Michael Henwood  
Secretary

**Dated: May 26, 2016**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/26/2016

RESOLUTION #: 16-2-033

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 BOILERS  
W-550-61800-000

VENDOR C. VENDERBECK & SON, INC.

CONTRACT NUMBER 14-12

REASON BOILER MAINTENANCE FOR LITTLE FERRY  
AND EDGEWATER

AMOUNT \$132,000.00

CONTRACT LENGTH AUGUST 1, 2016 TO JULY 31, 2017

Mather M'Caten  
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 (the "Authority") plays an important role in providing this and related 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**, the Authority is currently running its Plant Manuals Content Management System on Windows Server 2003 and SQL Server 2005 databases; and

**WHEREAS**, the Authority would like to move the Plant Manuals Content Management System to more recent Windows and SQL Server platforms as the Windows Server 2003 and SQL Server 2005 are no longer supported databases; and

**WHEREAS**, while the Authority's current version of the Plant Manuals Content Management System will run on the more recent Windows and SQL Server platforms, the Authority will also need to upgrade their version of ColdFusion Application server in order for the Plant Manuals Content Management System to properly work on the new Windows platform; and

**WHEREAS**, there exists the need to engage the services of an engineering firm authorized to provide professional engineering services in the State of New Jersey to perform the **Plant Manuals Content Management System Upgrade** for the Authority; and

**WHEREAS**, said 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**, 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**, **Arcadis US, Inc.** previously submitted a Statement of Qualifications to the Authority and the Commissioners of the Authority previously determined by Resolution that **Arcadis US, Inc.** is competent, qualified and experienced to serve as the Authority's **Special Consulting Engineer**; and

**WHEREAS**, based on the Statement of Qualifications submitted by **Arcadis US, Inc.** and their prior history performing services for the Authority, the Authority issued a Request for Proposal ("RFP") to **Arcadis US, Inc.**, as **Special Consulting Engineer** to the Authority, to perform the **Plant Manuals Content Management System Upgrade** for the Authority; and

**WHEREAS**, **Arcadis US, Inc.** has made several enhancements to the Plant Manuals Content Management System including developing a redesigning a layout that works on mobile platforms, a feature to capture electronic operator logs, along with additional content management features; and

**WHEREAS**, the enhancements to the Plant Manuals Content Management System made by **Arcadis US, Inc.** will make that application more end user friendly for the Authority in several ways, including but not limited to, making the application available for use on mobile platforms by the Authority's employees; and

**WHEREAS**, the Authority, following a presentation of the Plant Manuals Content Management System as enhanced by **Arcadis US, Inc.**, has determined that it is desirous of upgrading its Plant Manuals Content Management System to the newest code base as presented to the Authority by **Arcadis US, Inc.**; and

**WHEREAS**, the RFP provided a scope of work that includes upgrading of the currently existing Plant Manuals Content Management System; and

**WHEREAS**, the RFP specified that the **Special Consulting Engineer** shall be required and obligated to indemnify the Authority and provide insurance 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, **Arcadis US, Inc.** submitted to the Authority a proposal dated May 16, 2016 (the "Proposal") to perform the **Plant Manuals Content Management System Upgrade** for the Authority for an amount not to exceed the total sum of \$15,750.00, which proposal has been reviewed and determined to be fair and reasonable by the Director of Solid Waste and Information Technology Systems; and

**WHEREAS**, the Proposal included attachments providing to the Authority the requested schedule of 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, Iran Disclosure 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 **Arcadis US, Inc., Special Consulting Engineer** to the Authority, to perform the **Plant Manuals Content Management System Upgrade** for the Authority; and

**WHEREAS**, the Authority desires to appoint and retain **Arcadis US, Inc.** to perform the **Plant Manuals Content Management System Upgrade** for the Authority for an amount not to exceed the sum of \$15,750.00; 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**, 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 to safeguard and maintain its assets and to take all actions necessary 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 Authority as follows:

1. **Arcadis US, Inc., Special Consulting Engineer** to the Authority, shall be and is hereby appointed to perform the **Plant Manuals Content Management System Upgrade** for the Authority, pursuant to and consistent with the terms of the May 16, 2016 Proposal submitted by **Arcadis US, Inc.** to the Authority, for an amount not to exceed the sum of \$15,750.00.

2. The Chairman shall be and is hereby authorized to execute an agreement, similar in form and substance to the agreement on file at the Authority, by and between the Authority and **Arcadis US, Inc.** 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, the agreement retaining **Arcadis US, Inc.** as **Special Consulting Engineer** and the Agreement executed 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 **Arcadis US, Inc.** and the Authority.

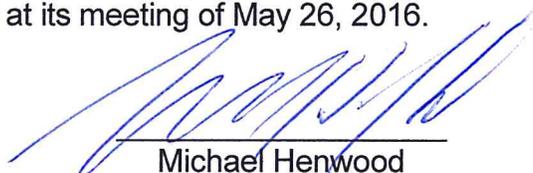
4. The total amount authorized to be paid pursuant to the contract herein awarded shall not exceed the sum of **\$15,750.00** without further action by the Board of Commissioners.

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 May 26, 2016.



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Michael Herwood  
Secretary

**DATED: May 26, 2016**

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 05/26/2016  
RESOLUTION #: 16-2-034

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 SOFTWARE MAINTENANCE  
A-620-56300-000

VENDOR ARCADIS US, INC.

CONTRACT NUMBER 16052601

REASON PLANT MANUALS CONTENT  
MANAGEMENT SYSTEM UPGRADE

AMOUNT \$15,750.00

CONTRACT LENGTH TO COMPLETION

Matthew M. Carter  
ACTING TREASURER