

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
SEPTEMBER 25, 2018**

**In the matter of the 474th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the September 25, 2018, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

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

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

3. Motion that the Minutes covering the August 23, 2018 Work Session be approved was moved by Commissioner Massa and Seconded by Commissioner DeLisio 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 18-1-036 - Approve bills and the claims supported by vouchers totaling \$5,778,315.66 for the month of September 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 Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-037 - Ratify and Approve Financial Actions directed by Mathew McCarter, Acting Treasurer, during the month of August 2018. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-038 - Authorize Contract Amendment between the Bergen County Utilities Authority and the Tyler Technologies, Inc. for Enterprise Resource Planning System Software and Services. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-039 - Authorize renewal of membership to the National Association of Clean Water Agencies (NACWA). Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 18-1-040 - Authorize Settlement Offer and Agreement with Marine Shale Processors Site Group and/or Bergen Community College. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 18-2-055 – Authorize Professional Services Contract to Mott MacDonald Group – Cogen Switchgear Inspection Project. 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 18-2-056 - Authorize Purchase Order pursuant State Approved Co-op No. ESCNJ/AEPA IFB #017-F to Weatherproofing Technologies, Inc. – Switch-Station Building - Roof Replacement Project. 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 18-2-057 - Authorize Purchase Order for North Bergen Liberty Generating, LLC – Acquisition of Due Diligence Work Product Materials for the Edgewater WPCF Project. 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 18-2-058 - Authorize Amendment of Professional Engineering Services Contract – Neglia Engineering Associates – Site Work Engineering/Land Surveying Consultant. 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. STRATEGIC PLANNING COMMITTEE:

Resolution 18-6-008 – Authorize Application and Agreement with New Jersey Department of Environmental Protection for Recycling Enhancement Act Tax Fund to fund the Authority’s solid waste programs. Motion to adopt the resolution was made by Commissioner Warms and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

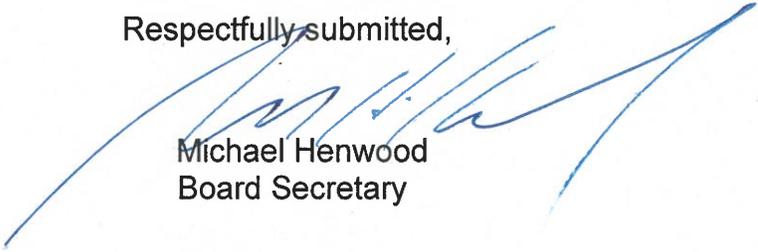
8. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.
9. Chairman Phillips announced the Regular Meeting would reconvene.
10. The Board Secretary then distributed proposed minutes of the September 25, 2018 Regular Meeting for review by the Commissioners.
11. Motion to approve the Minutes of the Regular Meeting September 25, 2018 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 September 25, 2018 was made by Commissioner Kelley and Seconded by Commissioner Bentz and was unanimously carried.
12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	18-1-036	18-1-037	18-1-038	18-1-039	18-1-040	18-2-055	18-2-056
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	-	-	-	-	-	-	-
Comm. Juliano	Y	Y	Y	Y	Y	Y	Y
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

Resolution #	18-2-057	18-2-058	18-6-008
Chairman Phillips	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y
Comm. Bentz	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y
Comm. Gumble	-	-	-
Comm. Juliano	A	Y	Y
Comm. Kelley	Y	Y	Y
Comm. Massa, Jr.	Y	Y	Y
Comm. Warms	Y	Y	Y

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



Michael Henwood
Board Secretary

Date: September 25, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

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

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

WHEREAS, the Authority, having previously determined that it had a separate and outdated Financial Information System ("FIS") and Computerized Maintenance Management System ("CMMS"), elected to replace the current FIS and CMMS with an Enterprise Resource Planning System to provide the Authority with a fully integrated financial, purchasing, inventory, asset management and maintenance management system; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 16-1-029 adopted August 25, 2016, commenced the procurement of **Enterprise Resource Planning System Software and Services**, authorizing the Authority to utilize the competitive contracting process of the Local Public Contracts Law (the "LPCL"), N.J.S.A. 40A:11-4.5, to procure the **Enterprise Resource Planning System Software and Services** from qualified and experienced vendors; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 18-1-005 adopted January 25, 2018, awarded a contract (the "**ERP Contract**") to **Tyler Technologies, Inc.** to provide **Enterprise Resource Planning System Software and Services** to the Authority for an amount not to exceed the total sum of \$ 1,092,570.00, without further approval of the Board of Commissioners of the Authority: and

WHEREAS, **Tyler Technologies, Inc.**, by written correspondence dated July 26, 2018, requested that the Authority provide its consent to the removal of the Tyler Citizen Self Service Software Module from the designated items which are to be provided by **Tyler Technologies, Inc.** to the Authority pursuant to the **ERP Contract**, which action, if approved by the Authority, will result in **Tyler Technologies, Inc.** applying a credit to the Authority's **ERP Contract** account with **Tyler Technologies, Inc.** in the amount of \$4,125.00; and

WHEREAS, this proposed change to the **ERP Contract** does not substantially change the quality or character of the items or work to be provided and are now

required in order for **Tyler Technologies, Inc.** to successfully complete the **ERP Contract**; and

WHEREAS, the Authority's **Interim Qualified Purchasing Agent** has reviewed the written correspondence dated July 26, 2018 submitted to the Authority by **Tyler Technologies, Inc.** and he has recommended that the Authority provide its consent to the removal of the Tyler Citizen Self Service Software Module from the designated items which are to be provided by **Tyler Technologies, Inc.** to the Authority pursuant to the **ERP Contract**; and

WHEREAS, the consent of the Authority to the removal of the Tyler Citizen Self Service Software Module from the designated items which are to be provided by **Tyler Technologies, Inc.** to the Authority pursuant to the **ERP 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 **ERP Contract** shall be and is hereby modified by the Authority to provide that the Tyler Citizen Self Service Software Module shall be removed from the designated items which are to be provided by **Tyler Technologies, Inc.** to the Authority pursuant to the **ERP Contract**.
2. Pursuant to and consistent with this modification of the **ERP Contract** as authorized and directed by this Resolution, **Tyler Technologies, Inc.** shall deliver to the Authority written confirmation that **Tyler Technologies, Inc.** has applied a credit to the Authority's **ERP Contract** account with **Tyler Technologies, Inc.** in the amount of \$4,125.00 resulting from the removal of the Tyler Citizen Self Service Software Module from the designated items which are to be provided by **Tyler Technologies, Inc.** to the Authority pursuant to the **ERP Contract** .
3. The Chairman of the Authority shall be and is hereby authorized to execute an amendment to the **ERP Contract** by and between the Authority and **Tyler Technologies, Inc.**, 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.
4. A copy of this Resolution and the contract amending the **ERP 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 **Tyler Technologies, Inc.** and the Authority.
5. A notice of this amendment to the **ERP Contract** shall be published in the form prescribed by law.

18-1-038

6. 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 September 25, 2018.



Michael Henwood
Secretary

DATED: September 25, 2018

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the **National Association of Clean Water Agencies (NACWA)** is a nationally recognized leader in environmental policy and a well-established technical resource on water quality & ecosystem protection issues.

WHEREAS, membership in **NACWA** is a unique opportunity to improve the effectiveness in the operation of the Authority, enhance professional development and achieve the goals & objectives the Authority shares with other publicly owned treatment works.

WHEREAS, **NACWA's** active membership and close working relationship with Congress and the U.S. Environmental Protection Agency (EPA) allow members to interact with national policy makers & shape the course of America's environmental protection legislation.

WHEREAS, **NACWA** has submitted a proposal dated September 17, 2018, to induce the Authority to renew its existing membership, which proposal has been reviewed by the Executive Director and Chief Engineer of the Authority; and

WHEREAS, the Authority's Executive Director and Chief Engineer have recommended that the Authority renew its membership to **NACWA**. The proposed annual membership/dues for October 1, 2018 through September 30, 2019 is \$25,480.00 based on a service area population of 500,000; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary and/or desirable for its efficient operations to renew its membership in **NACWA** for October 1, 2018 through September 30, 2019

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

1. The Chairman shall be and is hereby authorized to renew the membership by and between the Authority and **NACWA**, in the amount not to exceed \$25,480.00.
2. The Chief Financial Officer's Certification that funds are available shall be maintained on file at the Authority.
3. A copy of this resolution and the agreement to renew its membership in **NACWA** shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.
4. A notice of this membership renewal shall be published in the form prescribed by law.

18-1-039

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 *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 on September 25, 2018.



Michael Henwood
Board Secretary

Dated: September 25, 2018

18-1-039

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018

RESOLUTION #: 18-1-039

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 - PERMITS, FEES, & LICENSES
W-350-50700-000

VENDOR

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

CONTRACT NUMBER

N/A

REASON

MEMBERSHIP RENEWAL

AMOUNT

\$25,480.00

CONTRACT LENGTH

OCTOBER 1, 2018 - SEPTEMBER 30, 2019


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 comprised of fifty-two (52) municipalities in Bergen County serving approximately 575,000 people; 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 during such HHW Program events is ultimately disposed of at appropriate hazardous waste collection facilities, including a hazardous waste collection facility located at 9828 Louisiana Highway, 182 East, St. Mary Parish, Louisiana (the "Disposal Facility") which was previously operated by Marine Shale Processors, Inc. ("MSP"); and

WHEREAS, the College, by correspondence of its legal counsel dated September 20, 2018, advised the Authority that as a result of the ultimate disposal of certain household hazardous waste materials collected at the College during such a collection event offered to the residents of Bergen County by the Authority, the College has been contacted by legal counsel for Marine Shale Processors Site PRP Group (the "PRP Group") who notified the College that the disposal of the materials collected at the College by the Authority resulted in contamination at the disposal facility requiring PRP Group to spend in excess of \$2,000,000.00 in administrative, investigative, engineering and other such costs in order to remediate the contamination discovered; and

WHEREAS, a party which arranges for the disposal of hazardous substances at hazardous waste collection facilities, such as the Authority did with the Disposal Facility, is then liable for remediation of resulting contamination under the CERCLA Superfund law, 40 U.S.C. § 9601 et seq.; and

WHEREAS, PRP Group has advised the College that, in exchange for the *de minimus* payment of \$300.00 per ton of waste, PRP Group is agreeable to resolving any and all claims against the College, as a liable party under the CERCLA Superfund law, resulting from the disposal of household hazardous waste materials collected at the College by the Authority and ultimately delivered to the Disposal Facility; and

WHEREAS, PRP Group has further advised the College that it has calculated the total weight of waste collected at the College and then delivered to the Disposal Facility to be 268.625 tons, resulting in a proposed payment of \$80,587.50 by the College to PRP Group in full settlement of all claims as referenced above; and

WHEREAS, PRP Group has advised the College that in the event said payment is not provided to PRP Group as demanded, PRP Group shall file an action in Louisiana seeking to collect damages against the College well in excess of the proposed settlement payment; and

WHEREAS, following consultation with representatives of the College, the Authority has determined that it is the liable party under the facts presented and not the College and, as a result, the Authority has concluded that it should make the settlement payment as has been demanded by PRP Group; and

WHEREAS, the Authority, acknowledging the costs and risks associated with litigating any action to be filed by PRP Group against the College and/or the Authority, has determined that it would be advantageous to, and in the best interests of, the Authority and its ratepayers, to accept the offer of settlement presented by PRP Group to the College to resolve this matter and to make payment to PRP Group in the amount of \$80,587.50 and to pursue indemnification of this claim, seeking full reimbursement from the HHW Program vendor which allegedly disposed of the materials collected at the College at the Disposal Facility; and

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

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

1. The Executive Director, or his designee, shall be and is hereby authorized to execute an agreement by and among the Authority, the College and/or PRP Group providing for the settlement of any and all claims of PRP Group against the College and/or the Authority, which terms shall include the payment of an amount up to the sum of

\$80,587.50 by the Authority to PRP Group, in the form acceptable to the Executive Director and satisfactory to the Authority as evidenced by his signature thereon.

2. The Authority's General Legal Counsel shall be and is hereby authorized to prepare and execute any and all documents necessary to finalize the making of the payment to PRP Group and resolving the claims of PRP Group as authorized and directed by this Resolution.

3. A copy of this Resolution and a copy of the agreement 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 upon execution by all parties to the agreement.

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

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 September 25, 2018.



A handwritten signature in blue ink, appearing to read 'Michael Henwood', is written over a horizontal line.

Michael Henwood, Secretary

Dated: September 25, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018

RESOLUTION #: 18-1-40

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

PROPERTY REMEDIATION EXPENSE
S-640-50500-000

VENDOR

MARINE SHALE PROCESSORS SITE PRP GROUP

CONTRACT NUMBER

N/A

REASON

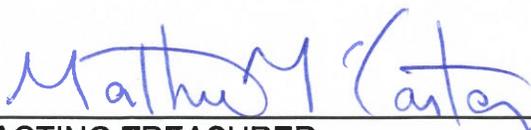
DISPOSAL FACILITY SITE
CONTAMINATION SETTLEMENT

AMOUNT

\$80,587.50

CONTRACT LENGTH

N/A


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 fifty-two (52) municipalities in the County of Bergen serving approximately 575,000 people; and

WHEREAS, in furtherance of providing these essential services, and in order to realize significant energy cost savings, the Authority constructed its Combined Heat and Power Facility (the "CHP Facility"), including two (2) Combined Heat and Power Cogeneration Units (the "Cogen Units") on site of the Authority's Little Ferry Water Pollution Control Facility (the "LFWPCF"), with construction of the CHP Facility being completed in June 2008; and

WHEREAS, the Authority subsequently undertook and completed an expansion project resulting in the addition of a third Cogen Unit to the CHP Facility for generating heat and electricity by the biogas generated at the LFWPCF, allowing the Authority the opportunity to realize additional potential annual cost savings and credits based on increased electrical and heat energy output; and

WHEREAS, the Authority at that time also recognized the impact of recent extreme weather public emergency events and the power interruptions and quality fluctuations in the PJM electrical grid during these public emergency events and the Authority desired to provide long-term back-up power during power outages by the proposed expansion of its existing CHP Facility including black-start capabilities for the existing Cogen Units so that the facilities of the Authority may continue to function and provide critical services to Authority ratepayers in extreme and adverse weather conditions which are likely to cause flooding in and around the Authority and to protect the water environment and public from exposure to untreated or partly treated wastewater; and

WHEREAS, the Authority concluded that it was necessary, and in the best interest of the Authority and its ratepayers, to improve the resiliency of certain facilities of the Authority, including the retrofitting of the Authority's two (2) original Cogen Units with black start and islanding capabilities (the "Black Start Project"), making the system more resilient by allowing to Authority to continue to deliver power to their critical Tier I assets and eliminate the dependency on fuel sources during such extreme and adverse weather conditions whereby power loss is from external sources; and

WHEREAS, the Board of Commissioners of the Authority, by Resolution 17-2-

018 adopted March 23, 2017, authorized the Authority to engage and retain Mott MacDonald, LLC to provide professional engineering services to the Authority for the Black Start Project; and

WHEREAS, as a result of providing professional engineering services to the Authority for the Black Start Project, Mott MacDonald, LLC has become intimately and uniquely familiar with the CHP Facility and the Cogen Units; and

WHEREAS, on July 17, 2018, an incident was reported by an employee of the Authority resulting in the circuit breaker of the second Cogen Unit to inadvertently close without the generator running, resulting in the Authority being required to terminate the transmission of power to each of the three (3) Cogen Units until such time as the incident was investigated and the cause of the incident was diagnosed and addressed (the "**Cogen Switchgear Inspection Project**"); and

WHEREAS, the Authority, seeking to avoid any further similar incidents with the Cogen Units and needing to resume providing power to each of the three (3) Cogen Units allowing them to be available to the Authority for operation, arranged for Mott MacDonald, LLC, being fully familiar with the CHP Facility and the three (3) Cogen Units, to undertake and complete the **Cogen Switchgear Inspection Project** for the purpose of determining the cause of the incident and recommending needed repairs and/or alterations to the existing equipment so that the Authority could resume transmitting power to each of the three (3) Cogen Units and so that similar incidents do not reoccur in the future; 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 Authority's Director of Engineering executed and provided to the Board of Commissioners of the Authority a Certification of Emergency dated September 21, 2018, 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 certified within said Certification of Emergency that the professional engineering services provided to the Authority by Mott MacDonald, LLC in connection with the **Cogen Switchgear Inspection Project** were necessary in order for the Authority to resume transmitting power to each of the three (3) Cogen Units thereby allowing them to be operated by the Authority and he further recommended that the Authority engage and retain Mott MacDonald, LLC to provide these professional engineering services; and

WHEREAS, Mott MacDonald, LLC has advised the Authority that it has estimated the cost of the emergency professional engineering services to be provided to the Authority for the **Cogen Switchgear Inspection Project** to be **\$30,000.00**; and

WHEREAS, the Director of Engineering determined that the engagement of Mott MacDonald, LLC for the **Cogen Switchgear Inspection Project** was 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. so long as an Emergency Procurement Form is sent to the Division of Local Government Services within thirty (30) days of the issuance of the emergency contract; 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. Mott MacDonald, LLC shall be and is hereby retained by the Authority to provide professional engineering services to the Authority for the **Cogen Switchgear Inspection Project** to preserve the public health, safety and welfare, for an amount not to exceed the total sum of \$30,000.00 without further approval of the Commissioners of the Authority.

2. The Authority hereby accepts the Certification of Emergency of the Director of Engineering dated September 21, 2018, and same is to be placed on file in the office of the Executive Director and available for public inspection

3. The Chairman shall be and he is hereby authorized to execute a contract by and between the Authority and Mott MacDonald, LLC, memorializing the scope of services to be performed by Mott MacDonald, LLC for the Authority's **Cogen Switchgear Inspection Project**, and the compensation to be paid therefore, in final form acceptable to the Chairman and satisfactory to the Authority, as evidenced by the Chairman's signature thereon.

4. A copy of this Resolution, and the contract retaining Mott MacDonald, LLC to provide professional engineering services to the Authority for the **Cogen Switchgear Inspection Project** 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 Mott MacDonald, LLC and the Authority.

5. An Emergency Procurement Form shall be sent to the Division of Local Government Services within thirty (30) days of September 21, 2018.

6. 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.

18-2-055

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

8. 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 September 25, 2018.



Michael Henwood
Secretary

DATED: September 25, 2018

18-2-055

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BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018
RESOLUTION #: 18-2-055

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 COGENERATION
W-550-62450-000

VENDOR MOTT MACDONALD, LLC

CONTRACT NUMBER 18092501

REASON COGEN SWITCHGEAR INSPECTION PROJECT

AMOUNT \$30,000.00

CONTRACT LENGTH TO COMPLETION

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 comprised of fifty-two (52) municipalities in Bergen County serving approximately 575,000 people; and

WHEREAS, the Authority, pursuant to N.J.S.A. 40A:11-12(a) and N.J.S.A. 52:34-6.2, is authorized to purchase goods and contract for services through the use of a New Jersey State Approved Co-op and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, when available, for its administration; and

WHEREAS, by Resolution 17-1-005 adopted January 26, 2017, the Board of Commissioners of the Authority ratified and affirmed the membership of the Authority in the Educational Services Commission of New Jersey (the "ESCNJ"), allowing the Authority to continue to participate in the ESCNJ Cooperative Pricing System to purchase goods and contract for services, making the procurement process more efficient and providing cost savings to the Authority and its ratepayers; and

WHEREAS, the roof of the Authority's Switch-Station Building located at the Authority's Little Ferry Water Pollution Control Facility, which building is critical to the ongoing operations of the Authority, has been deemed to be in failing condition and several attempts to repair ongoing leaks have been met with limited success; and

WHEREAS, as a result of the current failing condition of the roof of the Authority's Switch-Station Building, the Authority currently has the need to complete the **Switch-Station Building Roof Replacement Project**; and

WHEREAS, the ESCNJ previously awarded a contract to **Weatherproofing Technologies, Inc.** of 3735 Green Road, Beachwood, OH 44122, under Contract No.

18-2-056

ESCNJ/AEPA IFB #017-F for Roofing & Building Envelope Repair & Maintenance Service; and

WHEREAS, the Authority, as a member of the ESCNJ Cooperative Pricing System, is able to procure the needed services from **Weatherproofing Technologies, Inc.** under ESCNJ Contract No. ESCNJ/AEPA IFB #017-F for the total sum of \$302,969.35 as set forth and contained in the written proposal dated September 18, 2018 submitted to the Authority by **Weatherproofing Technologies, Inc.**; and

WHEREAS, it has been recommended by the Authority's **Interim Qualified Purchasing Agent** that it would be advantageous to the Authority, and result in a cost savings to the Authority and its ratepayers, for the Authority to engage **Weatherproofing Technologies, Inc.** through ESCNJ Contract No. ESCNJ/AEPA IFB #017-F to provide the necessary services to the Authority to complete the **Switch-Station Building Roof Replacement Project**; and

WHEREAS, ESCNJ Cooperative Pricing System Contract No. ESCNJ/AEPA IFB #017-F meets the "Fair and Open" process requirements of 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 Board of 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, for the completion of the **Switch-Station Building Roof Replacement Project** for the total sum of \$302,969.35 as set forth and contained in the written proposal dated September 18, 2018 submitted to the Authority by **Weatherproofing Technologies, Inc.**, and in accordance with the terms of ESCNJ Contract No. ESCNJ/AEPA IFB #017-F.

2. The Authority shall be responsible to ensure that that goods and/or services procured through the ESCNJ Cooperative Pricing System 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, a copy of the Certificate of Membership issued by the ESCNJ to the Authority 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.

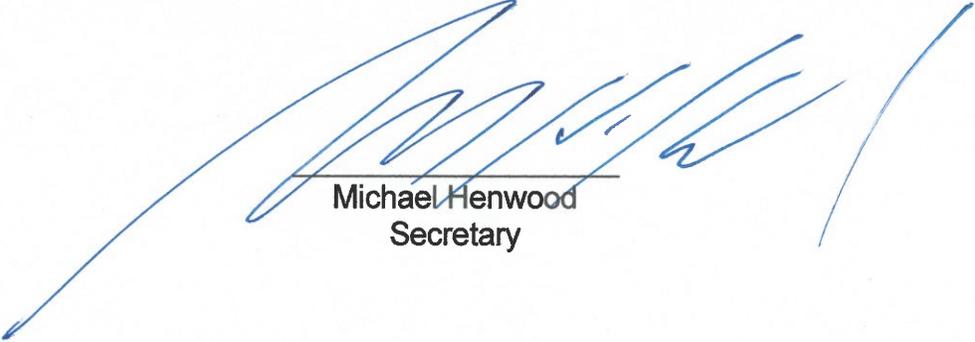
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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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 September 25, 2018.



Michael Henwood
Secretary

Dated: September 25, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018

RESOLUTION #: 18-2-056

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

WEATHERPROOFING TECHNOLOGIES, INC.

CONTRACT NUMBER

CO-OP CONTRACT ESCNJ/AEPA IFB #017-F

REASON

SWITCH-STATION BUILDING
ROOF REPLACEMENT PROJECT

AMOUNT

\$302,969.35

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, North Bergen Liberty Generating, LLC, a Delaware limited liability company having its principal offices at 633 West 5th 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 have advised the Authority that certain due diligence work product obtained by NBLG relating to the proposed routes for the Effluent Pipeline and Transmission Lines, including title work, environmental reports and geotech investigation reports, are essentially the same due diligence reports 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, NBLG has advised the Authority that it will provide to the Authority the due diligence work product obtained by NBLG as requested by the Authority in exchange for a payment by the Authority to NBLG in an approximate amount not to exceed the sum of \$275,000.00, representing the Authority's proportionate share of the total costs incurred by NBLG for the production of the due diligence work product provided to the Authority by NBLG; and

WHEREAS, the Authority has determined that it is in the best interests of the Authority and its ratepayers to purchase these due diligence work product materials from NBLG as it will expedite the remaining due diligence work to be completed by the Authority for the Edgewater WPCF Project and will result in a significant cost savings to 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 Authority as follows:

1. The Executive Director or his designee shall be and is hereby authorized and directed to execute a purchase order, or purchase orders as may be required, for the acquisition of due diligence work product materials provided to the Authority by NBLG relevant to the Edgewater WPCF Project for the total amount not to exceed the sum of \$275,000.00 without further approval of the Commissioners of the Authority.

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

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

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 September 25, 2018.



Michael Henwood
Secretary

Dated: September 25, 2018

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018

RESOLUTION #: 18-2-057

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

NORTH BERGEN LIBERTY GENERATING, LLC

CONTRACT NUMBER

18092502

REASON

EDGEWATER EPCF PROJECT
PROFESSIONAL DUE DILIGENCE
WORK PRODUCT

AMOUNT

\$275,000.00

CONTRACT LENGTH

TO COMPLETION

Matthew 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 fifty-two (52) 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 18-2-009 adopted February 22, 2018, appointed Neglia Engineering Associates to serve as Site Work Engineering/Land Surveying Consultant to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 18-2-009 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and Neglia Engineering Associates (the "Contract") memorializing the services to be provided by Neglia Engineering Associates to the Authority as Site Work Engineering/Land Surveying Consultant and providing the budget for compensation to be paid by the Authority to Neglia Engineering Associates for the providing of those services, pursuant to which payment is not to exceed the total sum of \$100,000.00 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 Neglia Engineering Associates on March 1, 2018; and

WHEREAS, Neglia Engineering Associates, operating under the Contract, has continued to provide significant necessary and valuable services to the Authority as the Authority's Site Work Engineering/Land Surveying Consultant on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Contract, which projects include, but are not limited to:

- Little Ferry Water Pollution Contract Facility site improvements;
- Improvements at numerous pump stations located throughout Bergen County; and
- Hackensack 96" trunk sewer easement research.

; and

18-2-058

WHEREAS, by written correspondence dated September 21, 2018, Neglia Engineering Associates advised the Authority that as of September 21, 2018 Neglia Engineering Associates had expended approximately \$100,000.00 in services to the Authority under the Contract and the Contract provides for a compensation budget of \$100,000.00 to be paid by the Authority to Neglia Engineering Associates for services performed pursuant thereto; and

WHEREAS, Neglia Engineering Associates, by the September 21, 2018 written correspondence, requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$100,000.00, resulting in an amended Contract compensation budget of an amount not to exceed the total sum of \$200,000.00; and

WHEREAS, the Authority's Director of Engineering has determined that Neglia Engineering Associates has performed all services under the Contract in an effective and efficient manner and further determined that the remaining work to be performed by Neglia Engineering Associates under the Contract 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

WHEREAS, the Authority's Director of Engineering has reviewed the September 21, 2018 written correspondence of Neglia Engineering Associates, including the request of Neglia Engineering Associates to increase the compensation budget under the Contract for the total compensation to be paid by the Authority to Neglia Engineering Associates, and based upon the above determinations and his review of the September 21, 2018 written correspondence of Neglia Engineering Associates, 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 Neglia Engineering Associates pursuant to the Contract in the total sum of \$100,000.00, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$200,000.00 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 Neglia Engineering Associates shall be and is hereby modified by the Authority and the Contract shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$100,000.00 and the total amount of compensation to now be paid by the Authority to Neglia Engineering Associates pursuant

18-2-058

18-2-058

to the modified Contract shall not exceed the total sum of \$200,000.00 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 among the Authority and Neglia Engineering Associates, modifying the Contract 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, and the contract modifying the Contract with Neglia Engineering Associates 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 Neglia Engineering Associates and the Authority.

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 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 September 25, 2018.



Michael Henwood, Secretary

Dated: September 25, 2018

18-2-058

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 9/25/2018

RESOLUTION #: 18-2-058

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

NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER

18022211

REASON

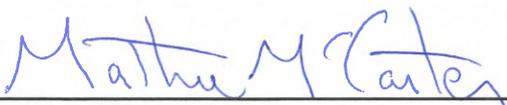
INCREASE IN THE PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR SITE WORK
ENGINEERING/LAND SURVERYING CONSULTANT

AMOUNT

\$100,000.00

CONTRACT LENGTH

SEPTEMBER 25, 2018 - FEBRUARY 28, 2019


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, P.L. 2007, c. 311 et seq. provides for the awarding of Recycling Enhancement Tax entitlements by the Department of Environmental Protection to designate solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management recycling plans; and

WHEREAS, The Bergen County Utilities Authority (the "Authority"), as planning and implementing agency for the Bergen County Solid Waste Management District, has made application for such financial assistance; and

WHEREAS, the application made by the Authority on behalf of the Bergen County Solid Waste Management District to the Commissioner of the New Jersey Department of Environmental Protection is for a **2018 Recycling Enhancement Act Tax Fund in the amount of \$695,102.00**; and

WHEREAS, upon approval of the foregoing application, the Authority proposes to utilize the funds derived from the **2018 Recycling Enhancement Act Tax Fund** to fund the Authority's Recycling Programs (the "Programs"); and

WHEREAS, the Authority, as planning and implementing agency for the Bergen County Solid Waste Management District, deems it in the best interest of the Authority's constituent municipalities and rate payers, to apply for the **2018 Recycling Enhancement Act Tax Fund** to fund its share of the costs of the Programs; and

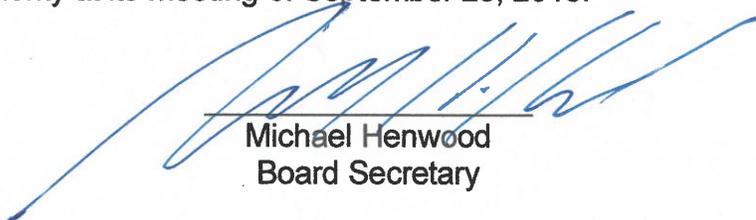
NOW, THEREFORE, BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority as follows:

1. The Chair shall be and is hereby authorized to execute an agreement by and between the Authority and the New Jersey Department of Environmental Protection for **the 2018 Recycling Enhancement Act Tax Fund** in the amount of **\$695,102.00** for the express purpose of funding solid waste services, to wit, the Programs;
2. The Authority does hereby hold the State of New Jersey, and its departments and agencies harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the tax grant;
3. The Authority hereby accepts the terms and conditions set forth in the Recycling Enhancement Act and the guidelines promulgated under it;

18-6-008

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of September 25, 2018.



Michael Henwood
Board Secretary

Dated: September 25, 2018