

**BERGEN COUNTY UTILITIES AUTHORITY  
MINUTES OF THE REGULAR MEETING  
JULY 23, 2020**

**In the matter of the 496<sup>th</sup> Regular Meeting of  
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the July 23, 2020, meeting was read into the record by Michael Henwood, Board Secretary.
2. Roll Call:

**COMMISSIONERS PRESENT:**

Ronald Phillips, Chairman  
Louis DeLisio, Vice Chairman (Telephonically)  
Bruce Bonaventuro, Commissioner (Telephonically)  
Daniel Gumble, Commissioner (Telephonically)  
Peter C. Massa, Jr. Commissioner (Telephonically)

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

3. Motion that the Minutes covering the June 25, 2020 Work Session be approved was moved by Commissioner DeLisio and Seconded by Bonaventuro. Commissioner Gumble abstained.
4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard.
5. FINANCE AND LEGAL COMMITTEE:

Resolution 20-1-035- Approve bills and the claims supported by vouchers totaling \$6,209,015.51 for the month of July 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 Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-036- Authorize the increase of the Authority's Bid Threshold up to the sum of \$44,000.00 pursuant to and in accordance with N.J.S.A., 40A:11-3, N.J.A.C. 5:32-4 et seq. and Local Finance Notice LFN 2020-14.. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-1-037- Authorize the Authority to Exercise its Statutory Pre-Condemnation Action Rights of Investigation in Furtherance of the Advancement of the Edgewater Force Main Project. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 20-2-053 - Award Contract 20-11 Rebid to AGL Welding Supply Co., Inc. – Furnish and Deliver Gas Products. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-054 - Authorize Amendment of Contract with Paulus, Sokolowski and Sartor, LLC for the Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project to Confirm Contract Compliance with Federal Emergency Management Agency Procurement Requirements. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-055 - Authorize Emergency Awarding of Contract to Princeton Hydro, LLC for the Performance of Pond Investigation and Treatment Services. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-056 - Reject Bid and Re-Advertise for Contract 20 -12 – Digester Gas Analysis. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-057 - Award Contract 19-30 Rebid II to Under Bid Review – Two (2) Digester Gas Flare Assemblies. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-058 - Authorize Amendment of Professional Services Contract – Geographic Information (GIS) Maintenance – Neglia Engineering Associates. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-059 - Authorize First One (1) Year Option to Cleaning Services of Hudson Valley, Inc. – Contract 19-20 Janitorial Cleaning Services - (One (1) Year Period with Two (2) One (1) Year Options). Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-2-060 - Authorize Payment to J. Fletcher Creamer & Son, Inc. for the Performance of Emergency Excavation and Repair Services Addressing the Unforeseen Sludge Leak at the Edgewater Water Pollution Control Facility on January 7, 2020. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

BERGEN COUNTY UTILITIES AUTHORITY

Minutes of the Regular Meeting

July 23, 2020

Resolution 20-2-061 - Authorize Payment to J. Fletcher Creamer & Son, Inc. for the Performance of Emergency Excavation and Repair Services Addressing an Unforeseen Leak in the Waste Activated Sludge Line at the Edgewater Water Pollution Control Facility on March 4, 2020. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATIVE COMMITTEE:

Resolution 20-3-014 – Adopt temporary revision to the vacation leave carryover policy due to COVID-19. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 20-3-015 – Approve personnel action. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Bonaventuro. A roll call was taken and the resolution was adopted as reflected in these minutes

8. 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 June 25, 2020 Regular Meeting for review by the Commissioners.

11. Motion to approve the Minutes of the Regular Meeting June 25, 2020 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting June 25, 2020 was made by Commissioner Massa and Seconded by Commissioner Bonaventuro and Motion was carried.

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

Resolution #	20-1-035	20-1-036	20-1-037	20-2-053	20-2-054	20-2-055	20-2-056	20-2-057
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bentz	-	-	-	-	-	-	-	-
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Kelley	-	-	-	-	-	-	-	-
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Testa	-	-	-	-	-	-	-	-
Comm. Warms	-	-	-	-	-	-	-	-

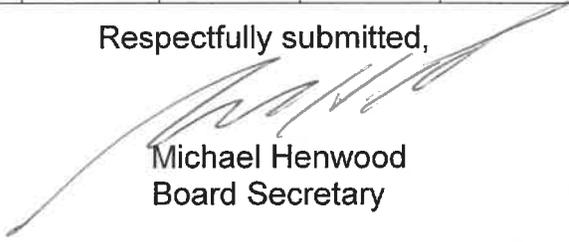
BERGEN COUNTY UTILITIES AUTHORITY  
 Minutes of the Regular Meeting  
 July 23, 2020

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Resolution #	20-2-058	20-2-059	20-2-060	20-2-061	20-3-014	20-3-015
Chairman Phillips	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y
Comm. Bentz	-	-	-	-	-	-
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y
Comm. Gumble	Y	Y	Y	Y	Y	Y
Comm. Kelley	-	-	-	-	-	-
Comm. Massa, Jr.	Y	Y	Y	Y	Y	Y
Comm. Testa	-	-	-	-	-	-
Comm. Warms	-	-	-	-	-	-

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



Michael Henwood  
 Board Secretary

**Date: July 23, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, the Local Public Contracts Law, at N.J.S.A. 40A:11-3, establishes a threshold amount for the cost or price (the "Bid Threshold") of any contract awarded by the Bergen County Utilities Authority (the "Authority"), as a local contracting unit, necessitating the solicitation of bids in excess thereof; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-3(c) and in accordance with Local Finance Notice LFN 2020-14, the State of New Jersey has adjusted the Bid Threshold for awarding contracts pursuant to the Local Public Contracts Law and has given the Authority, as a local contracting unit, the ability to **increase the Authority's Bid Threshold up to the sum of \$44,000.00**, provided that a Qualified Purchasing Agent is appointed and granted the authorization to negotiate and award contracts below said Bid Threshold; and

**WHEREAS**, N.J.A.C. 5:32-4, et seq., establishes the criteria for designation of a purchasing agent as a Qualified Purchasing Agent; and

**WHEREAS**, by Resolution 20-3-013 adopted June 25, 2020, the Authority has appointed Richard Wierer as Temporary Qualified Purchasing Agent of the Authority in accordance with N.J.A.C. 5:32-4, et seq., which designation shall be maintained on file at the Authority; and

**WHEREAS**, the Commissioners of the Authority have determined that an **increase in the Bid Threshold to the sum of \$44,000.00** would promote efficiency and economy in the Authority's operations, and are therefore desirous of taking advantage of the increased bid threshold and implementing same.

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

1. Pursuant to and in accordance with N.J.S.A. 40A:11-3, N.J.A.C. 5:32-4 et seq. and Local Finance Notice LFN 2020-14, **the Authority's Bid Threshold shall be and is hereby increased to the sum of \$44,000.00.**

2. The Executive Director of the Authority, or his designee, shall forward a certified copy of this Resolution to the Director of the Division of Local Government Services.

3. To the extent this Resolution conflicts and/or contradicts any prior resolution(s) of the Authority, said prior resolution(s) shall hereby be deemed repealed.

4. The formal action(s) of the Commissioner 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).

20-1-036

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

Dated: July 23, 2020

**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 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; and

**WHEREAS**, the Authority is now required to submit to the NJDEP, Division of Land Use Regulation its required permit application in furtherance of the completion of the Edgewater WPCF Project requiring signatures of certain property owners in order to permit the identified site investigation activities required to be completed on the subject properties and the Authority is required to acquire access to the subject properties for the completion of the identified site investigation activities and the Authority will ultimately 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, this site investigation process identified above now requires the Authority to exercise its power to condemn real property pursuant to N.J.S.A. 40:14B-20; and

**WHEREAS**, in accordance with its power to condemn, the Authority must exercise its power to access the subject properties as identified by its engineers to conduct necessary site investigation activities in advance of filing a complaint in condemnation with the Superior Court of New Jersey and to submit the required permit application form to the NJDEP, Division of Land Use Regulation with the certification of property owner being executed by the Authority in lieu of the owner of the subject property when necessary; 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 to commence any and all activities necessary for the Authority to exercise its pre-condemnation action rights of investigation in connection with each property identified by the Authority's engineers as being necessary to be submitted to such investigation by the Authority and for the Authority to pursue submission of the permit application with the NJDEP, Division of Land Use Regulation with or without certification of property owners in order for the Authority to undertake and complete the Edgewater WPCF Project pursuant to the terms of the 2015 ACO.

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

1. Kaufman, Semeraro & Leibman, LLP, as General Legal Counsel, shall be and are hereby authorized to pursue and any and all actions necessary for the Authority to exercise its pre-condemnation action rights of investigation in connection with each property identified by the Authority's engineers as being necessary to be submitted to such investigation by the Authority and for the Authority to pursue submission of the permit application with the NJDEP, Division of Land Use Regulation with or without certification of property owners in order for the Authority to undertake and complete the Edgewater WPCF Project pursuant to the terms of the 2015 ACO.

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

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

4. The 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).

20-1-037

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

Dated: July 23, 2020

**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 **Furnish and Deliver Gas Products (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 20-11**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **June 18, 2020** for **Contract No.20-11**:

Vendor	Total Amount Bid for Two (2) Years
AGL Welding Supply Company, Inc. Clifton, NJ	\$56,291.00

; and

**WHEREAS**, the Authority's Commissioners, by way of Resolution 20-2-046 adopted June 25, 2020, rejected the sole bid proposal received as the Authority's **Interim Qualified Purchasing Agent** deemed the sole bid proposal received deficient as it was determined to be incomplete, nonconforming and nonresponsive, and authorized and directed the Authority's **Interim Qualified Purchasing Agent** to revise the bid specifications and bid documents for **Contract No. 20-11** as authorized thereby and further authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 20-11 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, as a result of the revisions made to the bid documents for **Contract No. 20-11**, as directed and authorized by Resolution 20-2-046, the Authority advertised and solicited bid proposals for **Furnish and Deliver Gas Products (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 20-11 (Rebid)**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **July 16, 2020**, the date set forth in the Invitation to Bid for the receipt of bid proposals for **Contract No. 20-11 (Rebid)**:

Vendor	Total Amount Bid for Two (2) Years
AGL Welding Supply Company, Inc. Clifton, NJ	\$55,171.00

; and

**WHEREAS**, the Authority's **Director of Engineering and Interim Qualified Purchasing Agent** has reviewed the sole bid proposal submitted to the Authority by **AGL Welding Supply Company, Inc.** for **Contract No. 20-11 (Rebid)** and has recommended that **AGL Welding Supply Company, Inc.** be awarded **Contract No. 20-11 (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 **AGL Welding Supply Company, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 20-11 (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. 20-11 (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. **AGL Welding Supply Company, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Gas Products (for a Two (2) Year Period)** pursuant to and in accordance with **Contract No. 20-11 (Rebid)** for a total sum of **\$55,171.00**.

2. The Chairman shall be and is hereby authorized to execute a contract with **AGL Welding Supply Company, Inc.** of 600 Route 46 West, Clifton, NJ 07015 to **Furnish and Deliver Gas Products (for a Two (2) Year Period)**, constituting **Contract No. 20-11 (Rebid)**, for an amount not to exceed the total sum of **\$55,171.00** without further action by the Commissioners of the Authority.

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

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

5. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Contract No. 20-11 (Rebid)**, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **AGL Welding Supply Company, Inc.** and the Authority.

**20-2-053**

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 July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**



**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 previously determined that it is necessary, and in the best interest of the Authority and its ratepayers, to improve the resiliency of certain facilities of the Authority 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, such as Hurricane Sandy, as has been experienced in the past; and

**WHEREAS**, the Authority identified certain projects as necessary to improving the resiliency of the Authority in such extreme and adverse weather conditions, which projects include the replacing and raising, as appropriate, of those substation assets that can be relocated above the Proposed Mitigation Design Flood Elevation and all work and costs necessary and ancillary thereto, making the system more resilient by protecting the power assets from flooding and avoiding cascading impacts to the system components of the Authority that could be caused by flooding of the substations or during a power outage (the "**Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**"); and

**WHEREAS**, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 17-2-046 adopted June 22, 2017, authorized the retention of **Paulus, Sokolowski and Sartor, LLC ("PS&S")** to provide professional engineering services to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, Resolution 17-2-046 Authorized the Chairman of the Board of Commissioners of the Authority to execute a contract by and between the Authority and **PS&S** (the "Contract") memorializing the scope of services to be provided by **PS&S**, to the Authority for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** pursuant to which payment by the Authority to **PS&S** is not to exceed the total sum of \$1,762,450.00 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 **PS&S** on July 7, 2017; and

**WHEREAS**, the New Jersey Energy Resilience Bank ("NJERB") has been established by the State of New Jersey to provide assistance in funding resiliency projects such as the **Project**; and

**WHEREAS**, the Board of Commissioners of the Authority, by Resolution 16-1-033 adopted June 23, 2016, authorized the Authority to prepare and submit an application for grant monies and/or a low interest loan from the NJERB to finance the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** (the "NJERB Application"); and

**WHEREAS**, by written memorandum of the New Jersey Economic Development Authority (the "NJEDA") dated July 14, 2016, the Authority was advised that the Authority's ERB Application was awarded preliminary approval by the EDA and, as a result of that preliminary approval, the Authority's ERB Application would be moving forward to the next phase of review and approval and ERB funds would be reserved for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, the Authority had, at that time, been conditionally awarded funding in the form of a combination of grant monies and a low interest loan from the NJERB for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, at that time the Authority was appealing the denial of a decision by the Federal Emergency Management Agency ("FEMA") for funding various projects of the Authority, including the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, subsequent to the adoption of Resolution 17-2-046 authorizing the retention of, and execution of the Contract with, **PS&S**, the Authority was informed by FEMA that FEMA reversed its prior denial decision and, through a series of obligation letters, FEMA has to date now obligated to fund the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, as FEMA is now funding the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** instead of the NJERB, the NJEDA, by resolution dated August 10, 2018, approved a change in scope of the Authority's NJERB projects to, among other things, delete the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** as a component of the NJERB projects being funded by the NJERB; and

**WHEREAS**, FEMA has procurement requirements set forth in FEMA Field Manual – Public Assistance Grantee and Subgrantee Procurement Requirements under 44 C.F.R. Pt. 13 and 2 C.F.R. Pt. 215 that require certain contract provisions to be included in contracts between FEMA's Grantees and Subgrantees and their contractors; and

**WHEREAS**, the FEMA procurement requirements are applicable to the Contract as the Authority is a Subgrantee of FEMA for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project** and **PS&S** is the Authority's contractor; and

**WHEREAS**, the Contract does not contain all of the required FEMA contract provisions as the Contract was entered into by and between the Authority and **PS&S** prior to it being known FEMA would be providing the funding for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**; and

**WHEREAS**, the Authority and **PS&S** have now agreed to amend the Contract in order for the Contract to contain those contract provisions required to be included for the Contract to comply with FEMA procurement requirements; and

**WHEREAS**, the execution of a contract amending the Contract so that the Contract will be found to be in compliance with FEMA procurement requirements is necessary for the continued efficient operations of the Authority.

**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 **PS&S** shall be and is hereby amended by the Authority and the Contract shall be amended to include those contract provisions required to be inserted for the Contract to comply with FEMA procurement requirements for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations Project**.

2. The Chairman of the Authority shall be and he is hereby authorized to execute a contract by and between the Authority and **PS&S** amending the Contract as approved and authorized by this Resolution, in final 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 amending the Contract with **PS&S** for the **Little Ferry Water Pollution Control Facilities Energy Resilience Bank Substations 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 **PS&S** and the Authority.

4. A notice of this amendment of the Contract 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).

**20-2-054**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

**DATED: July 23, 2020**

**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 site of the Authority's Water Pollution Control Facility in the Borough of Little Ferry, Bergen County, New Jersey contains a body of water (the "Pond") which serves to provide capacity for storm water retention for a portion of this site and the surrounding area; and

**WHEREAS**, the Authority has been made aware that the Pond is experiencing significant algae growth causing the Pond to become discolored and may lead to the Pond to experience dissolved oxygen issues and creation of chemicals which cause nuisance odors, negatively impacting the public health, safety and welfare in the area surrounding the Pond; 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 July 6, 2020, 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 significant algae growth, which has reached higher levels than those normally experienced in prior years, is causing the Pond to become discolored and may result in the Pond having dissolved oxygen issues and may also result in the creation of chemicals within the Pond and the Director of Engineering recommended that the water quality of the Pond be immediately assessed and monitored so that appropriate chemical treatment plan may then be determined and then implemented by the Authority

to minimize the continuing growth of the algae within the Pond (the "**Pond Investigation and Treatment Services**") which will prevent the Pond from experiencing dissolved oxygen and odor issues; and

**WHEREAS**, Princeton Hydro, LLC submitted to the Authority a written proposal dated July 6, 2020 in the amount of **\$33,610.00** for the providing of the **Pond Investigation and Treatment Services** as detailed above; and

**WHEREAS**, the Director of Engineering has determined and recommended that Princeton Hydro, LLC 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 **Pond Investigation and Treatment Services** to be performed by Princeton Hydro, LLC in order for the Authority to appropriately address the excessive algae growth in the Pond are emergently required and necessary to ensure the public's health, safety 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 July 6, 2020, recommending the 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 July 6, 2020, 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 is hereby authorized to execute a contract with Princeton Hydro, LLC of 1108 Old York Road, Suite 1, PO Box 720, Ringoes, NJ 08551 to provide **Pond Investigation and Treatment Services** for a total amount not to exceed the sum of **\$33,610.00** without further action being taken by the Board of Commissioners.

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

**20-2-055**

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 July 23, 2020.



Michael Herwood  
Secretary

**Dated: July 23, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 7/23/20  
RESOLUTION NUMBER: 20-2-055

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 CAPITAL OUTLAY 15441000-560100

VENDOR PRINCETON HYDRO, LLC

CONTRACT NUMBER \_\_\_\_\_

REASON POND ALGAE INVESTIGATION AND  
TREATMENT SERVICES

AMOUNT \$33,610.00

CONTRACT LENGTH TO COMPLETION

Matthew Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Digester Gas Analysis (One (1) Year Term)**, pursuant to and in accordance with **Contract No. 20-12**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **July 16, 2020** for **Contract No. 20-12**:

<b>Vendor</b>	<b>Total Amount Bid for One (1) Year Term</b>
Atlantic Analytical Laboratory, LLC Lebanon, New Jersey	\$85,650.00

; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** has reviewed the sole bid proposal submitted to the Authority by **Atlantic Analytical Laboratory, LLC** for **Contract No. 20-12** and has indicated that the sole bid proposal received for **Contract No. 20-12** has been deemed incomplete, nonconforming and nonresponsive based upon the bidders failure to submit the Contractors Registration and the bid proposal submitted by **Atlantic Analytical Laboratory, LLC** is therefore deficient; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** has recommended that the bid proposal provided by **Atlantic Analytical Laboratory, LLC** for **Contract No. 20-12** be rejected for the reasons aforementioned; and

**WHEREAS**, no acceptable or responsive bid proposals were received by the Authority as of **July 16, 2020**, which was the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 20-12**; and

**WHEREAS**, the Contract Documents and Bid Specifications constituting **Contract No. 20-12** provide that the Authority, as the contracting unit, reserves the right to reject any and all bids, including but not limited to, all nonconforming, nonresponsive or conditional bids; and

**WHEREAS**, upon further review of the bid specifications, the Authority has determined that the bid specifications should be revised to exclude certain forms not deemed critical forms to **Digester Gas Analysis (One (1) Year Term)** pursuant to and in accordance with **Contract No. 20-12**; and

**WHEREAS**, on the basis of the foregoing, the Authority's **Interim Qualified Purchasing Agent** has determined and has recommended that the bid proposal of **Atlantic Analytical Laboratory, LLC** for **Contract No. 20-12** received on July 16, 2020 should be rejected as for the reasons aforementioned and has further determined and recommended that the Authority must revise the bid specifications and then re-advertise for solicitation of bid proposals for **Contract No. 20-12**; and

**WHEREAS**, based upon the above, the Board of Commissioners of the Authority are desirous of revising the bid specifications as recommended by the Authority's **Interim Qualified Purchasing Agent** and then re-advertising for the solicitation of bid proposals for **Contract No. 20-12** pursuant to N.J.S.A. 40A:11-4 et seq., as an award of **Contract No. 20-12** 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 bid proposal of **Atlantic Analytical Laboratory, LLC** for **Contract No. 20-12** submitted to the Authority on July 16, 2020 shall be and is hereby rejected for the reasons set forth in this Resolution.

2. The Authority's **Interim Qualified Purchasing Agent** shall be and hereby is authorized and directed to revise the Contract Documents and Bid Specifications for **Digester Gas Analysis (One (1) Year Term)** pursuant to and in accordance with **Contract No. 20-12** and in accordance with N.J.S.A. 40A:11-13.2(a) by removing those forms deemed not critical to **Digester Gas Analysis (One (1) Year Term)**.

3. The Executive Director, or his designee, shall be and is hereby authorized to re-advertise for the solicitation of bid proposals for **Digester Gas Analysis (One (1) Year Term)** pursuant to and in accordance with **Contract No. 20-12**.

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

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).

**20-2-056**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**

**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 **Two (2) Digester Gas Flare Assemblies**, pursuant to and in accordance with **Contract No. 19-30**; and

**WHEREAS**, the following bid proposals were received by the Authority on **March 6, 2020** for **Contract No.19-30**:

<b>Vendor</b>	<b>Total Bid Price</b>
G.P. Jager, Inc. Boonton, NJ	\$1,022,475.00
Varec Biogas, Inc. Huntington Beach, CA	\$1,298,400.00

; and

**WHEREAS**, the Authority's Commissioners, by way of Resolution 20-2-024 adopted March 26, 2020, rejected the bid proposals received as the Authority's **Interim Qualified Purchasing Agent** and the Authority's consulting engineer, **AECOM**, deemed each of the bid proposals received deficient as each of the submitted bid proposals were determined to be incomplete, nonconforming and nonresponsive, and authorized and directed the Authority's **Interim Qualified Purchasing Agent**, with assistance from the Authority's consulting engineer, **AECOM**, to revise the bid specifications and bid documents for **Contract No. 19-30** to correct and provide for necessary critical technical information which is to be provided with any responsive bid for **Two (2) Digester Gas Flare Assemblies** pursuant to and in accordance with **Contract No. 19-30 (Rebid)** and further authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 19-30 (Rebid)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, as a result of the revisions made to the bid documents for **Contract No. 19-30**, as directed and authorized by Resolution 20-2-024, the Authority advertised and solicited bid proposals for **Two (2) Digester Gas Flare Assemblies**, pursuant to and in accordance with **Contract No. 19-30 (Rebid)**; and

**WHEREAS**, the following sole bid proposal was received by the Authority on **May 21, 2020**, the date set forth in the Invitation to Bid for the receipt of bid proposals for **Contract No.19-30 (Rebid)**:

Vendor	Total Bid Price for One (1) Year
Varec Biogas, Inc. Huntington Beach, CA	\$1,298,400.00

; and

**WHEREAS**, the Authority's **Interim Qualified Purchasing Agent** and the Authority's consulting engineer, **AECOM**, reviewed the sole bid proposal submitted to the Authority by **Varec Biogas, Inc.** for **Contract No. 19-30 (Rebid)** and recommended that **Varec Biogas, Inc.** be awarded **Contract No. 19-30 (Rebid)** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

**WHEREAS**, by way of Resolution 20-2-044 adopted May 28, 2020, the Authority awarded **Contract No. 19-30 (Rebid)** to **Varec Biogas, Inc.**; and

**WHEREAS**, subsequent to the adoption of Resolution 20-2-044 by the Board of Commissioners of the Authority, and prior to entering into **Contract No. 19-30 (Rebid)** with **Varec Biogas, Inc.** as authorized thereby, the Authority determined that the bid proposal submitted to the Authority by **Varec Biogas, Inc.** for **Contract No. 19-30 (Rebid)** was deficient as the submitted bid proposal included certain proposed amendments to **Contract No. 19-30 (Rebid)** and **Varec Biogas, Inc.** advised the Authority it would not waive these proposed amendments to **Contract No. 19-30 (Rebid)**, resulting in the submitted proposal then being deemed by the Authority to be incomplete, nonconforming and nonresponsive; and

**WHEREAS**, as the Authority ultimately deemed the bid proposal submitted by **Varec Biogas, Inc.** to be incomplete, nonconforming and nonresponse, the Authority's Commissioners, by way of Resolution 20-2-052 adopted June 25, 2020, rescinded Resolution 20-2-044 and the award of **Contract No. 19-30 (Rebid)** and authorized and directed the Authority's **Interim Qualified Purchasing Agent**, with assistance from the Authority's consulting engineer, **AECOM**, to revise the bid specifications and bid documents for **Contract No. 19-30 (Rebid)** and provide for necessary critical technical information which is to be provided with any responsive bid for **Two (2) Digester Gas Flare Assemblies** pursuant to and in accordance with **Contract No. 19-30 (Rebid II)** and further authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 19-30 (Rebid II)**, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bid proposals were received by the Authority on July 17, 2020 for **Contract No.19-30 (Rebid II)**:

Vendor	Total Bid Price
G.P. Jager, Inc. Boonton, NJ	\$1,199,074.00
Varec Biogas, Inc. Huntington Beach, CA	\$1,298,400.00

; and

WHEREAS, the Authority's **Interim Qualified Purchasing Agent** and the Authority's consulting engineer, **AECOM**, have reviewed the bid proposals provided by **G.P. Jager, Inc.** and **Varec Biogas, Inc.** and they have indicated that the bid proposal of **G.P. Jager, Inc.** has been deemed incomplete, nonconforming and nonresponsive based upon the failure to submit all necessary technical information specifically required by the bid documents to be submitted with its bid proposal, making it an incomplete, nonconforming and nonresponsive bid and they have further recommended that **Varec Biogas, Inc.** be awarded **Contract No. 19-30 (Rebid II)** 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 **Varec Biogas, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. 19-30 (Rebid II)** in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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

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

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

1. The bid proposal submitted to the Authority by **G.P. Jager, Inc.** for **Contract No. 19-30 (Rebid II)** shall be and is hereby rejected as this bid proposal has been deemed incomplete, nonconforming and nonresponsive based upon the failure of **G.P. Jager, Inc.** to include with its bid proposal all necessary technical information specifically required by the bid documents to be submitted therewith.

2. **Varec Biogas, Inc.** shall be and is hereby determined to be the lowest complying and responsible vendor for **Two (2) Digester Gas Flare Assemblies**, constituting **Contract No. 19-30 (Rebid II)**, for a total sum of **\$1,298,400.00**.

3. The Chairman shall be and is hereby authorized to execute a contract with **Varec Biogas, Inc.** of 15061 Springdale Street, Ste. 210, Huntington Beach, CA 92649 for **Two (2) Digester Gas Flare Assemblies**, constituting **Contract No. 19-30 (Rebid II)**, for a total sum of **\$1,298,400.00** without further approval of the Commissioners of the Authority, which authorization shall be and hereby is declared to be subject to the Authority being provided with the required approval of the New Jersey Economic Development Authority and further subject to the required approval of the New Jersey Department of Environmental Protection.

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

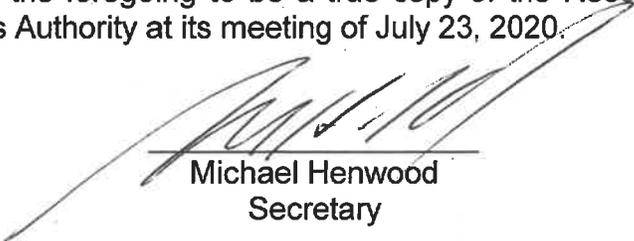
5. The bid security of unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1, et seq.

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

7. A copy of this Resolution and the contract executed pursuant to this Resolution, along with **Contract No. 19-30 (Rebid II)**, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by **Varec Biogas, Inc.** and the Authority.

8. 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 July 23, 2020.



Michael Henwood  
Secretary

Dated: July 23, 2020

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 7/23/20

RESOLUTION NUMBER: 20-2-057

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 ERB GRANT / IBANK LOAN

VENDOR VAREC BIOGAS, INC.

CONTRACT NUMBER 19-30

REASON TWO DIGESTER GAS FLARE ASSEMBLES

AMOUNT \$1,298,400.00

CONTRACT LENGTH \_\_\_\_\_

Matthew M. Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, the Bergen County Utilities Authority ("Authority") plays an important role in providing this essential service 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 19-2-059 adopted July 26, 2019, appointed **Neglia Engineering Associates** to serve as **Special Engineering Consultant** to the Authority for the performing of the **Geographic Information System Maintenance Services**; and

**WHEREAS**, Resolution 19-2-059 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 scope of services to be provided by **Neglia Engineering Associates** serving as **Special Engineering Consultant** to the Authority for the performing of the **Geographic Information System Maintenance Services**, pursuant to which payment by the Authority to **Neglia Engineering Associates** is not to exceed the total sum of \$30,000.00 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 July 26, 2019; and

**WHEREAS**, **Neglia Engineering Associates**, operating under the Contract, has continued to provide significant necessary and valuable services serving as **Special Engineering Consultant** to the Authority for the performing of the **Geographic Information System Maintenance Services**; and

**WHEREAS**, **Neglia Engineering Associates**, by written correspondence dated July 21, 2020, advised the Authority that as of that date, **Neglia Engineering Associates** had exhausted the Contract compensation budget of \$30,000.00 to be paid by the Authority to **Neglia Engineering Associates** for services performed pursuant thereto; and

**WHEREAS**, **Neglia Engineering Associates**, by written correspondence dated July 21, 2020 requested that the Authority increase the compensation budget provided for by the Contract by the total sum of \$25,000.00, resulting in an amended Contract

compensation budget of an amount not to exceed the total sum of \$55,000.00 for the providing of these services through February 28, 2021; and

**WHEREAS**, the Executive Director of the Authority 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 and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

**WHEREAS**, the Executive Director of the Authority has reviewed the July 21, 2020 written correspondence of **Neglia Engineering Associates**, including the request of **Neglia Engineering Associates** to increase the compensation budget for the total compensation to be paid by the Authority to **Neglia Engineering Associates** under the Contract, and based upon that review and the above determinations, he has concluded and recommended that the Authority should amend the Contract by increasing the budget for compensation to be paid by the Authority to **Neglia Engineering Associates** pursuant to the Contract in the total sum of \$25,000.00 to fund for the providing of these services through and including February 28, 2021, resulting in an amended compensation budget under the Contract in an amount not to exceed the total sum of \$55,000.00 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 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 amended by the Authority and the Contract shall be amended to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$25,000.00 and the total amount of compensation to now be paid by the Authority to **Neglia Engineering Associates** pursuant to the amended Contract shall not exceed the total sum of \$55,000.00 for the providing of these services through and including February 28, 2021, 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**, amending 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 amending 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 July 23, 2020.



Michael Henwood  
Board Secretary

Dated: July 23, 2020

**BERGEN COUNTY UTILITIES AUTHORITY**  
**TREASURER'S CERTIFICATION OF FUNDS**

RESOLUTION DATE: 7/23/20  
RESOLUTION NUMBER: 20-2-058

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 15221000-532060

VENDOR NEGLIA ENGINEERING ASSOCIATES

CONTRACT NUMBER 19-2-059

REASON INCREASE IN THE PROFESSIONAL  
SERVICE NEEDS OF THE AUTHORITY FOR  
THE GEOGRAPHIC INFORMATION  
SYSTEM MAINTENANCE SERVICES

AMOUNT \$25,000.00

CONTRACT LENGTH AUGUST 1, 2020 TO FEBRUARY 28, 2021

Matthew M. Carter  
ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

**WHEREAS**, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals for **Janitorial Services (One (1) Year Contract with Two (2) One (1) Year Options)**, pursuant to and in accordance with **Contract No. 19-20**; and

**WHEREAS**, by way of Resolution 19-2-057 adopted July 25, 2019 by the Board of Commissioners of the Authority, **Cleaning Services of Hudson Valley, Inc.** was determined to be the lowest complying and responsible bidder for **Janitorial Services**, constituting **Contract No. 19-20** for a total contract price of \$60,200.00 for year one (1) and for the initial option year for a total contract price of \$60,200.00; and

**WHEREAS**, by way of Resolution 19-2-057 July 25, 2019 by the Board of Commissioners of the Authority, the Chairman of the Board of Commissioners of the Authority was authorized to execute a contract with **Cleaning Services of Hudson Valley, Inc.** for **Janitorial Services**, constituting **Contract No. 19-20** for a total contract price of **\$60,200.00** for the **Initial One (1) Year Period**; and

**WHEREAS**, pursuant to the terms of **Contract No. 19-20**, the Authority has the option to extend the contract for **Janitorial Services** with **Cleaning Services of Hudson Valley, Inc.** for an additional **One (1) Year Period** for the total sum of **\$60,200.00**; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15, the Authority finds **Cleaning Services of Hudson Valley, Inc.** has performed **Contract No. 19-20** for **Janitorial Services** in an effective and efficient manner; and

**WHEREAS**, exercising the first **One (1) Year Option** of **Contract No. 19-20** to **Cleaning Services of Hudson Valley, Inc.** for **Janitorial Services** is necessary for the efficient operation of the Authority; and

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

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

1. The Executive Director shall be and he is hereby authorized to execute a contract with **Cleaning Services of Hudson Valley, Inc.** for **Janitorial Services**, pursuant to and in accordance with **Contract No. 19-20**, which exercises the first **One (1) Year Option** by the Authority to extend the contract for an additional **One (1) Year Period** (commencing August 1, 2020 and expiring July 31, 2021) for the total sum of **\$60,200.00**.

2. All other terms of **Contract No. 19-20** shall remain in full force and effect without modification.

**20-2-059**

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 Contract executed pursuant to this Resolution, along with Contract No. 19-20, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Cleaning Services of Hudson Valley, 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 July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**



**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**, a brown sludge-like material was observed at the site of the Authority's Water Pollution Control Facility in the Borough of Edgewater, Bergen County, New Jersey (the "Edgewater WPCF") leaking from a retaining wall and flowing into a drain on adjoining property; and

**WHEREAS**, the Authority determined that the visible leak was potentially from the wastewater channel or the aeration tanks on site at the Edgewater WPCF; 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 July 15, 2020, 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 into the leak conducted by Neglia Engineering Associates which investigation determined that the leak was unforeseen and required emergency immediate exploratory excavation to determine the source of and then address the repairing of the leak, certified within said Certification of Emergency that the observed leak required immediate response and repair as was recommended by Neglia Engineering Associates; and

**WHEREAS**, **J. Fletcher Creamer & Son Inc.** completed the work to determine the location of the source of the leak and address and repair the leak as was requested by the Authority and submitted to the Authority Invoice No. C-2001330 dated January 24, 2020 in

the amount of **\$16,085.85** for the emergency repair services performed by **J. Fletcher Creamer & Son Inc.** as detailed above; and

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

**WHEREAS**, the Director of Engineering determined that the emergency repair services performed by **J. Fletcher Creamer & Son Inc.** in order for the Authority to appropriately address the unforeseen leak at the Edgewater WPCF were emergently required and necessary to ensure the public's health, safety 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 July 15, 2020, recommending the 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 July 15, 2020, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. Invoice No. C-2001330 submitted to the Authority by **J. Fletcher Creamer & Son Inc.** for the emergency repairs to address the unforeseen leak at the Edgewater WPCF as detailed above, shall be and is hereby accepted for processing and payment, for an amount not to exceed the total sum of **\$16,085.85**, 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).

**20-2-060**

I hereby certify the forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**



## BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

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

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

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

**WHEREAS**, the Authority determined that wastewater sludge was actively leaking and being directed into the sludge channel at the site of the Authority's Water Pollution Control Facility in the Borough of Edgewater, Bergen County, New Jersey (the "Edgewater WPCF"), potentially compromising a six (6") inch waste activated sludge line situated four (4') feet beneath ground level and which, because of its location, is difficult to access; 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 July 15, 2020, 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 into the leak conducted by Neglia Engineering Associates which investigation determined that the wastewater sludge leak was unforeseen and required emergency immediate exploratory excavation to determine the source of and then address the repairing of the wastewater sludge leak, certified within said Certification of Emergency that the observed leak required immediate response and repair as was recommended by Neglia Engineering Associates; and

**WHEREAS**, **J. Fletcher Creamer & Son Inc.** completed the work to determine the location of the source of the wastewater sludge leak and address and repair the wastewater sludge leak as was requested by the Authority and submitted to the Authority

Invoice No. C-20 dated March 24, 2020 in the amount of **\$28,377.24** for the emergency repair services performed by **J. Fletcher Creamer & Son Inc.** as detailed above; and

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

**WHEREAS**, the Director of Engineering determined that the emergency repair services performed by **J. Fletcher Creamer & Son Inc.** in order for the Authority to appropriately address the unforeseen wastewater sludge leak at the Edgewater WPCF were emergently required and necessary to ensure the public's health, safety 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 July 15, 2020, recommending the 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 July 15, 2020, and same is to be placed on file in the office of the Executive Director and available for public inspection.

3. Invoice No. C-20 submitted to the Authority by **J. Fletcher Creamer & Son Inc.** for the emergency repairs to address the unforeseen wastewater sludge leak at the Edgewater WPCF as detailed above, shall be and is hereby accepted for processing and payment, for an amount not to exceed the total sum of **\$28,377.24**, 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).

**20-2-061**

I hereby certify the forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**



## 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 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 spread of Coronavirus 2019 ("COVID-19") within New Jersey created an imminent public health hazard, threatening and endangering the health, safety, and welfare of the residents of the State of New Jersey and Philip D. Murphy, the Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, issued Executive Order 103 on March 9, 2020, declaring and proclaiming that a Public Health Emergency and State of Emergency exist in the State of New Jersey due to the existence and impact of COVID-19, which declaration has been extended by subsequent Executive Orders issued by Governor Murphy; and

**WHEREAS**, Governor Murphy, in light of the rapidly rising incidence of COVID-19 and in order to further protect the health, safety and welfare of the people of the State of New Jersey from the continuing rapid spread of COVID-19, issued Executive Order 107 on March 21, 2020, now commonly referred to as the "Stay at Home Order", ordering and directing, among other things, certain limitations on travel and the conducting of business operations, declaring therein that "[i]t shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning [Executive Order 107]"; and

**WHEREAS**, COVID-19 created conditions which meet the definition of an emergency under N.J.S.A. 40A:11-6(a) and N.J.A.C. 5:34-6.1, requiring that needs be met immediately to protect the public health, safety and welfare; and

**WHEREAS**, because of said conditions, the Board of Commissioners of the Authority, in order for the Authority to provide for the continuous delivery of essential governmental services and in order to take action consistent with Executive Order 103 and Executive Order 107, adopted Resolution 20-1-026 on March 26, 2020, declaring a state of emergency at the Authority as of March 21, 2020 in order to protect and maintain the health, safety, and welfare of the Authority's employees and Bergen County residents and visitors; and

**WHEREAS**, the Authority, like other employers, has been dealing with the impact of the COVID-19 pandemic on dealing with employee work schedules, including employees taking time off; and

**WHEREAS**, the Authority is a Civil Service employer and governed by the provisions of Title 11A of the New Jersey Statutes and Title 4A of the New Jersey Administrative Code, including, but not limited to, the acquisition of leave time and the accumulation/payment/use of unused leave time, which leave time includes vacation leave; and

**WHEREAS**, the Authority previously allowed for employees to carryover unused vacation leave for not more than one (1) additional calendar year; and

**WHEREAS**, due to the impact of COVID-19 and the State of Emergency declared by Governor Murphy as a result of COVID-19, Authority employees have not been able to use current and/or accumulated vacation leave in an appropriate manner; and

**WHEREAS**, the Civil Service Commission, in accordance with Executive Order 103 and in recognition of the impact of COVID-19, has recently addressed the issue of vacation leave scheduling and the use/non-use of same during the State of Emergency declared by Governor Murphy; and

**WHEREAS**, the Authority, authorized pursuant to N.J.S.A. 40:14B-20(12) to make and enforce rules and regulations for the management and regulation of the use, maintenance and operation of the utility system(s) it operates, now seeks to amend the Authority's vacation leave carryover policy so that this policy conforms to new Civil Service regulations and so that the Authority is able to address and respond to the impact of COVID-19 on the Authority's ability to continue to provide necessary governmental services; and

**WHEREAS**, the amended vacation leave carryover policy, a true and correct copy of which is annexed hereto as Attachment "A", shall supersede any language in any collective bargaining agreement between any union and the Authority, as well as any employee handbook/personnel policy manual governing non-union employees of the Authority and this amended vacation leave carryover policy shall remain in effect until the State of Emergency declared by Governor Murphy has concluded and/or the provisions of this amended vacation leave carryover policy are no longer in effect, whichever comes later; and

**WHEREAS**, the Board of Commissioners of the Authority recognize that the adoption of the amended vacation leave carryover policy, in the form attached hereto and made a part hereof, 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 Authority's vacation leave carryover policy shall be and is hereby amended to be in the form annexed hereto as Attachment "A", and this amended vacation leave carryover policy shall become effective upon approval by the New Jersey by the Civil Service Commission.

2. The Authority's amended vacation leave carryover policy adopted pursuant to this Resolution shall supersede any language in any collective bargaining agreement between any union and the Authority, as well as any employee handbook/personnel policy manual governing non-union employees of the Authority and this amended vacation leave carryover policy shall remain in effect until such time as the State of Emergency declared by Governor Murphy has concluded and/or the provisions of this amended vacation leave carryover policy are no longer in effect, whichever shall later occur.

3. As the amended vacation leave carryover policy adopted pursuant to this Resolution supersedes all previous versions of said policy in any handbooks, manuals, guidelines and/or policies prepared and/or distributed by the Authority at anytime in the past, no employee should rely on any provision addressing vacation leave carryover contained in any such superseded document.

4. To the extent that the amended vacation leave carryover policy adopted pursuant to this Resolution conflicts with the provisions contained in a valid collective negotiations agreement, the terms of the agreement shall govern and supersede to the extent that it may provide greater benefits than those conferred under the amended vacation leave carryover policy.

5. Each Authority employee shall receive a copy of this Resolution and the amended vacation leave carryover policy annexed hereto as Attachment "A" and adopted hereby, and each Authority employee shall sign a receipt therefore.

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

**20-3-014**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of July 23, 2020.



Michael Henwood  
Board Secretary

**Dated: July 23, 2020**

**BERGEN COUNTY UTILITIES AUTHORITY  
RESOLUTION**

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

**WHEREAS**, N.J.S.A. 40:14B-18 provides, inter alia, that the Authority may “employ, full or part-time, a secretary, an executive director, [and] managerial personnel . . . as the Authority may determine necessary for its efficient operations, and it shall determine their qualifications, terms of office, for periods not to exceed five years, duties and compensation and enter into contracts therefore, for periods not to exceed five years, as it determines necessary”; and

**WHEREAS** John Birkner, Jr. has been employed by the Authority for over thirty eight (38) years and presently serves in the capacity of Manager of Technical Services, which is an unclassified, exempt managerial position; and

**WHEREAS** John Birkner, Jr. holds the following wastewater licenses: N2-Industrial Wastewater Operator; C2-Collection Systems Operator; S2 –Sanitary Wastewater Operator, and has fulfilled the duties and obligations of Manager of Technical Services in an exemplary manner at all times in the past; and

**WHEREAS**, the position of Manager of Technical Services serving in the Authority’s laboratory is essential to the Authority’s performance of its mission and legal obligations under the rules and regulations as promulgated by the State and Federal Departments of Environmental Protection and other applicable law; and

**WHEREAS**, the terms and conditions of the position referenced herein shall be and they are hereby subject to the availability and appropriation annually of sufficient funds as may be required to meet any extended obligation contained herein; and

**WHEREAS**, the Authority concludes that the personnel action contemplated herein shall be and is hereby determined to be necessary for the efficient operations of the Authority;

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

1. Effective retroactive to January 1, 2020, the annual base salary for John Birkner, Jr. shall be increased by \$5000.00.

**20-3-015**

2. Any and all resolutions, appointments, engagements and/or agreements inconsistent herewith shall, to the extent of their inconsistency, be and the same are hereby superseded, and this resolution shall serve as authorization to implement the terms hereof.

3. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions 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 July 23, 2020.



Michael Henwood  
Secretary

**Dated: July 23, 2020**

**ATTACHMENT "A" TO RESOLUTION 20-3-014**

**VACATION LEAVE CARRYOVER POLICY**  
**DURING COVID-19 STATE OF EMERGENCY**  
**BERGEN COUNTY UTILITIES AUTHORITY**

The Bergen County Utilities Authority ("Authority") is a Civil Service employer and governed by the provisions of Title 11A of the New Jersey Statutes and Title 4A of the New Jersey Administrative Code including, but not limited to, the acquisition of leave time and the accumulation/payment/use of unused leave time. One (1) of those areas is vacation leave. In addition, the Authority, like all other employers, has been dealing with employee work schedules and time off in this COVID-19 pandemic. The Civil Service Commission has recently addressed the issue of vacation leave scheduling and the use/non-use of same during the Gubernatorial State of Emergency that has occurred because of the pandemic. The Authority now hereby creates this amended vacation carryover leave policy that conforms to new Civil Service regulations. This Policy supersedes any language in any collective bargaining agreement between any Union and the Authority, as well as any employee handbook/personnel policy manual governing non-union and unclassified employees. This Policy will remain in effect until the conclusion of the Governor's State of Emergency has concluded and/or the provisions of this Policy are no longer in effect, whichever comes later.

N.J.A.C. 4A:6-1.2(g) currently indicates that vacation leave not used in a calendar year may be carried over into the succeeding year assuming all of these conditions exist: (1) because of business necessity; (2) approved, in writing, by the appointing authority; and, (3) scheduled to avoid the loss of leave. Under recent Civil Service guidelines, the Authority now has the right to expand those provisions above if the vacation leave not taken in a given year happens because of duties directly related to a State of Emergency declared by the Governor. Said unused vacation leave days may accumulate at the discretion of the Authority until, pursuant to a plan established by the Bergen County Utilities Authority and approved by the Chairperson or designee of the Civil Service Commission and any other applicable parties if such is required.

Under the Authority's revised vacation leave carryover policy, which is still subject to Civil Service approval, the Authority shall address 2019 and 2020 vacation carryover only as follows:

- (1) 2019 – since none of the period of time in which the leave was accumulated occurred during a Gubernatorial State of Emergency, but some and/or all of the time could have been used during the State of Emergency period in 2020, the Authority will permit the use of all remaining unused 2019 vacation leave to occur by the close of business, December 31, 2021. Any unused vacation leave from 2019 not used by close of business on December 31, 2021 will be forfeited. The use of said days shall be subject to the provisions below.
- (2) 2020 – Since this period of time is covered by the Governor's State of Emergency, the Authority will permit the use of all unused 2020 vacation leave to occur during the period which ends on the close of business June 30, 2022. Any 2020 unused vacation leave not used by November 1, 2021 may be sold back to the Authority as per the provisions below. If the unused vacation leave is not sold back and/or not used

**ATTACHMENT "A" TO RESOLUTION 20-3-014**

**VACATION LEAVE CARRYOVER POLICY**  
**DURING COVID-19 STATE OF EMERGENCY**  
**BERGEN COUNTY UTILITIES AUTHORITY**

by June 30, 2022, the leave shall be forfeited. The use of said days shall be subject to the provisions below.

- (3) 2021 and beyond – Commencing January 1, 2021, the carryover of unused vacation leave shall only be approved by the Authority's Executive Director if the carryover request meets all of the provisions of N.J.A.C. 4A:6-1.2(g) prior to the expansion of same to cover the provisions of a Gubernatorial State of Emergency.
- (4) In regard to carryover of 2019 and/or 2020 unused vacation leave, each employee seeking to accomplish same will have to fill out a form created by the Authority delineating the exact number of hours being carried over, which year(s) the hours are being carried over from; and, the reason(s) for the hours being carried over are (by year).
- (5) In order to be eligible to sell back 2020 unused vacation leave only as per #2 above, an eligible employee must do the following:
  - (a) The employee must notify the Authority, in writing, no later than November 1, 2021 as to the amount of unused 2020 vacation leave hours the employee is seeking to "sell back";
  - (b) Once the employee has committed to these 2020 unused vacation leave hours being "sold back", the employee shall not be permitted to obtain any of these hours back for use other than "sell back";
  - (c) Payment for said hours that are sold back shall be based on the employee's pensionable salary rate in effect as of January 1, 2020. Said payment(s) shall be made by the Authority no later than March 31, 2022, less all applicable deductions;
  - (d) Other than these unused vacation leave hours being sold back, all 2020 vacation leave hours unused by the close of business on June 30, 2022 shall be forfeited.
- (6) The provisions of this Policy are subject to the determination of the Civil Service Commission and any other applicable State/Federal agencies.
- (7) Any and all collective bargaining agreements between the Authority and its various collective bargaining units, as well as any employee handbook and/or personnel policy manual of the Authority shall be superseded by this Policy in full. This Policy will remain in effect until the conclusion of the Governor's State of Emergency has concluded and/or the provisions of this Policy are no longer in effect, whichever comes later.