

MCUA REGULAR MEETING
TUESDAY, MARCH 26, 2013
4:00 P.M.
AGENDA

Pledge of Allegiance

Approval of the Minutes of the Organization and Regular Meeting of February 28, 2013

RESOLUTIONS

1. Resolution No. A-3-13-1-R
Pretreatment Permit Action Nos. 07215, 14216, 14217, 28119, 20118, 24154, 20183 and 14001
2. Resolution No. WW-3-13-2-R
Contract Bid Award – Contract 13-2-1(AC)/Stand-By Services for the Beneficial Use or Disposal of Wastewater Residuals 2013-2014 – Environmental Protection & Improvement Co., LLC. – Not to Exceed \$1,000,000.00
3. Resolution No. WW-3-13-3-R
Contract Award – Repair Parts Service for Muffin Monster 2013 – JWC Environmental, Incorporated – Not to Exceed \$50,000.00
4. Resolution No. WW-3-13-4-R
Authorized Funding Increase to Contract 11-8-6(CTP) – Aeration Mixer Rehabilitation – Phase I – Philadelphia Mixing Solutions, LTD. – Not to Exceed \$700,000.00
5. Resolution No. WW-3-13-5-R
Amendment No. 2 to Engineering Services During Construction of Contract 10-2-6(SPS)(Rebid)/The Rehabilitation and Upgrade of the Sayreville Pump Station – R3M Engineering, Inc.- Not to Exceed \$600,000.00
6. Resolution No. WW-3-13-6-R
Resolution Approving Emergency Contract for Repair of Storm Damage – One Vendor for an Amount Not to Exceed \$300,000.00
7. Resolution No. WW-3-13-7-R
Approval of Administrative Consent Order and Authorization to Execute Administrative Consent Order Between New Jersey Department of Environmental Protection and Middlesex County Utilities Authority
8. Resolution No. WW-3-13-8-R
Contract No. 13-3-4(SPS)/Emergency Contract for High Voltage Substation Repairs at the Sayreville Pump Station – Hi-Volt Electric – Not to Exceed \$150,000.00
9. Resolution No. WW-03-13-9-R
Approval of Agreement and Authorization to Execute Wetland Mitigation Bank Credit Purchase Agreement Between Green Vest, LLC and Middlesex County Utilities Authority – Not to Exceed \$90,000.00

MCUA REGULAR MEETING

TUESDAY, MARCH 26, 2013

4:00 P.M.

AGENDA

10. Resolution No. SW/WW-3-13-10-R
Contract Extension – Dental Health Benefits Insurance Services – 4/1/13 – 3/31/14 – Delta Dental
Plan of New Jersey

11. Resolution No. SW-3-13-11-R
Approving Execution of the Seventh Amended Host Municipality Agreement Between the Middlesex
County Utilities Authority and the Township of East Brunswick.

*** PUBLIC PORTION ***

COMMITTEE REPORTS

NEW BUSINESS

OLD BUSINESS

ADJOURNMENT

RESOLUTION NO. A-03-13-1-R

PRETREATMENT PERMIT ACTIONS

PERMIT NUMBERS: 07215, 14216, 14217, 28119, 20118, 24154, 20183, 14001

WHEREAS, the Middlesex County Utilities Authority ("Authority") has publicly advertised its intent to take certain actions on Non-Domestic Wastewater Discharge Permits pursuant to Federal Pretreatment Regulations 40CFR Part 403 and New Jersey Statute NJSA 58:11-49 et seq.; and

WHEREAS, said advertisement was made on February 24, 2013 in the Authority's official newspaper as required by law; and

WHEREAS, public comment has been received related to said actions and considered by the Authority;

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

1. For all future reference the title of this Resolution shall be "Pretreatment Permit Actions on Permit Numbers 07215, 14216, 14217, 28119, 20118, 24154, 20183 and 14001" and subsequent documents associated with the matters addressed herein shall reference this Title.

2. The following permit actions on Non-domestic Wastewater Discharges into the Authority's treatment works are hereby approved:

<u>APPROVED ACTION</u>	<u>PERMIT NUMBER</u>	<u>DISCHARGER</u>
Initial	07215	Akorn Pharmaceuticals, Incorporated, Somerset
Initial	14216	Unitex Textile Rental Services (10A), New Brunswick
Initial	14217	Unitex Textile Rental Services (10B), New Brunswick
Renewal	28119	Dana Transport, Incorporated, Avenel
Renewal	20118	EFS Parlin Holdings, LLC, Parlin
Renewal	24154	Galaxy Circuits, Incorporated, South Plainfield
Renewal	20183	Gerdau Ameristeel, Sayreville
Renewal	14001	New Brunswick Plating, Incorporated (596), New Brunswick

3. This Resolution shall take effect immediately.

RESOLUTION NO. WW-3-13-2-R

CONTRACT BID AWARD- CONTRACT 13-2-1(AC)/STAND-BY SERVICES FOR
THE BENEFICIAL USE OR DISPOSAL OF WASTEWATER RESIDUALS 2013-2014
ENVIRONMENTAL PROTECTION & IMPROVEMENT CO., LLC

WHEREAS, on February 6, 2013, the Middlesex County Utilities Authority (Authority) publicly advertised for bids for a contract entitled "Contract 13-2-1(AC)/Stand-by Services for the Beneficial Use or Disposal of Wastewater Residuals 2013-2014," hereinafter referred to as "Contract 13-2-1 (AC);" and

WHEREAS, on March 7, 2013, the Authority received and publicly opened two (2) bids submitted for Contract 13-2-1 (AC) that of Environmental Protection & Improvement Co, LLC (Part A- no bid; Part B- \$6,073,000.00) and WeCare Organics (Part A- \$6,947,040.00; Part B- \$6,947,040.00); and

WHEREAS, the said bids have been reviewed by the Authority's Counsel, and Staff who have advised that the bid of Environmental Protection & Improvement Co, LLC for minimum, maximum and average quantities as set forth in Exhibit A for the Unit Prices set forth in Exhibit C attached hereto, satisfies, in all material respects, the requirements of the Specifications and Bid Documents and is the lowest responsive and responsible bid; and

WHEREAS, Exhibit A of Contract 13-2-1 (AC) provides for the Contract Term to run from April 1, 2013, through March 31, 2014, subject to extension through March 31, 2015, by Resolution of the Board of Commissioners based upon satisfactory performance of services; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer shall certify, in writing, the availability of sufficient funds for such supply and delivery services based upon the unit prices set forth in Exhibit C-1 up to the maximum quantities set forth in the excerpt from Exhibit A, for which funding shall be certified as ordered and drawn against the amount allotted in the Wastewater Operating Budget;

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

1. For all future reference the title of this Resolution shall be "Contract 13-2-1 (AC)//Stand-by Services for the Beneficial Use or Disposal of Wastewater Residuals 2013-2014 -Environmental Protection & Improvement Co, LLC ," and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. The Commissioners hereby find the Total Extended Price for Part B of \$6,073,000.00 by Environmental Protection & Improvement Co, LLC to be the lowest responsive and responsible bid for Contract 13-2-1 (AC) when based on unit pricing.

3. The Commissioners hereby accept the bid of Environmental Protection & Improvement Co, LLC as set forth in Exhibit C-1 attached hereto for Contract 13-2-1 (AC) for the term from April 1, 2013 through March 31, 2015.

4. The Commissioners hereby acknowledge that the Total Value of Contract 13-2-1 (AC) utilizing the specified maximum quantities is \$28,015,000.00.

5. Funding for purchases, supply and delivery under Contract 13-2-1 (AC) shall be certified as ordered by the Chief Financial Officer, shall not exceed \$1,000,000.00 for Year One, and shall be drawn against the Wastewater Operating Budget.

6. Should the Authority determine that additional funding can be made available in order to accommodate the rehabilitation of additional aeration mixers utilizing the unit prices set forth in Exhibit C-1, the Authority will request Board approval for the additional funding at that time via Resolution

7. The Executive Director is hereby authorized and directed to notify Environmental Protection & Improvement Co, LLC of the acceptance of its bid, and the Chairman and Secretary are authorized to execute any and all contracts with said bidder as required by Contract 13-2-1 (AC).

8. In the absence of the Chairman, the Authority's Vice Chairman is hereby authorized to execute said contract on the Chairman's behalf.

9. In the event Environmental Protection & Improvement Co, LLC fails to fulfill the terms set forth in Article 16 of Contract 13-2-1 (AC) for contract execution, the Executive Director is hereby authorized to make claim against Environmental Protection & Improvement Co, LLC's Bid Security and award Contract 13-2-1 (AC) to the second responsive and responsible bidder, subject to review of Counsel and ratification by the Authority's Board of Commissioners.

10. The Bid Securities of all unsuccessful bidders shall be returned to said unsuccessful bidders upon receipt, by the Authority, of executed Contracts by the successful bidder together with a Performance Bond and required Certificates of Insurance.

11. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-3-13-3-R

CONTRACT AWARD - REPAIR PARTS SERVICE FOR MUFFIN MONSTER 2013
JWC ENVIRONMENTAL, INCORPORATED

WHEREAS, in order to assure proper operation of the Middlesex County Utilities Authority's (Authority) Muffin Monster sewage grinders for processing MeadowLife® it is necessary to secure repair parts service; and

WHEREAS, repair parts service is identified as Extraordinary Unspecifiable Services pursuant to N.J.A.C. 5:34-2.2 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 the Authority may procure Extraordinary Unspecifiable Services without the necessity of advertising for bids pursuant to N.J.S.A.40A:11-1 et seq.; and

WHEREAS, JWC Environmental, Inc. has prepared a proposal of prices for Muffin Monster repair parts as required by N.J.A.C. 5:30-11.6 as set forth in Attachment A which shall be the basis for payment for said parts; and

WHEREAS, said proposal has been reviewed by the Authority's Technical Staff who have advised that JWC Environmental, Inc.'s proposal for the Unit Prices set forth in Attachment A satisfies, in all material respects, the technical requirements for maintenance and repair of the Authority's Muffin Monster as necessary during 2013; and

WHEREAS, in accordance with the Local Public Contracts Law Regulations N.J.A.C. 5:34-1 et seq., the Authority and its members and Commissioners desire to retain JWC Environmental, Inc., for supply and delivery of high technology parts for the Authority's Muffin Monster sewage grinders; and

WHEREAS, pursuant to N.J.A.C. 5:34-2.1 et seq. the Executive Director has certified in writing regarding the compliance of said repair parts service with the criteria for Extraordinary Unspecifiable Services as set forth in Attachment No. 2 hereto; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4 and 5.5, the Chief Financial Officer shall certify, in writing, the availability of sufficient funds for such repair parts service based upon the unit prices set forth in Attachment A up to the maximum quantities set forth in Attachment No. 1, for which funding shall be certified as ordered and drawn against the \$50,000.00 amount allotted in the Wastewater Operating Budget;

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

1. For all future reference the title of this Resolution shall be "Contract Award for Muffin Monster Repair Parts Service 2013 - JWC Environmental, Inc.," and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. The Commissioners hereby accept the proposal of as set forth in Attachment A hereto for the term from April 1, 2013, through February 28, 2014, which Contract shall be effected in the form of Purchase Orders executed by the Authority's Purchasing Agent.

3. Funding for repair parts service under said Contract with JWC Environmental, Inc. shall be certified as ordered by the Chief Financial Officer, shall not exceed \$50,000.00, and shall be drawn against the Wastewater Operating Budget.

4. The retainage of JWC Environmental, Inc. authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that the subject supply and delivery services are Extraordinary Unspecifiable Services.

5. This resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

6. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution as required by N.J.S.A. 40A:11-5(1)(a) to be published in an appropriate newspaper.

RESOLUTION NO. WW-3-13-4-R

AUTHORIZED FUNDING INCREASE TO CONTRACT 11-8-6(CTP)
AERATION MIXER REHABILITATION - PHASE I
PHILADELPHIA MIXING SOLUTIONS, LTD

WHEREAS, the Middlesex County Utilities Authority (Authority) previously executed a contract with Philadelphia Mixing Solutions, Ltd. for Contract 11-8-6(CTP); and

WHEREAS, the Authority has determined that additional funding in the amount of \$500,000.00 for base Contract work can be made available for Contract 11-8-6(CTP); and

WHEREAS, in accordance with Resolution WW-1-12-1-R which approved Contract 11-8-6(CTP) initial authorized funding limit of \$200,000.00 that additional funding must be requested via Resolution; and

WHEREAS, the Authority has determined that said additional funding does not cause the base Contract authorized Bid amount of \$1,136,364.00 to be exceeded; and

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

1. For all future reference the title of this Resolution shall be "Authorized Funding Increase to Contract 11-8-6(CTP)Aeration Mixer Rehabilitation - Phase I - Philadelphia Mixing Solutions, Ltd.", and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. Contract 11-8-6(CTP) authorized funding level for base Contract work from \$200,000.00 to \$700,000.00 is hereby approved by the Board.

3. Funding via this Resolution for the specified base contract work under Contract 11-8-6(CTP) shall be certified as ordered by the Chief Financial Officer, shall not exceed \$700,000.00, and shall be drawn against the Wastewater Operating Budget

3. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-3-13-5-R

AMENDMENT NO.2 TO- ENGINEERING SERVICES DURING CONSTRUCTION OF
CONTRACT 10-2-6(SPS)(REBID)/THE REHABILITATION AND UPGRADE OF THE
SAYREVILLE PUMP STATION
R3M ENGINEERING, INC.

WHEREAS, on October 30, 2012 Hurricane Sandy made landfall on the New Jersey shore line causing extensive damage to Middlesex County Utilities Authority (Authority) facilities, mainly the Sayreville and Edison Pump Stations, which was determined to be a condition that was a hazard to the health, safety, and welfare to the public requiring the Authority to declare a state of emergency; and

WHEREAS, the Authority previously executed a contract to and with R3M Engineering, Inc., for Contract 10-2-6(SPS)(Rebid)/Rehabilitation and Upgrade of the Sayreville Pump Station which was amended November 29, 2012 for the purpose of providing emergency Hurricane Sandy storm restoration engineering services at the Sayreville Pump Station; and

WHEREAS, Hurricane Sandy Restoration at the Sayreville Pump Station continues and is projected to be several months from being restored to pre-Sandy conditions; and

WHEREAS, R3M Engineering, Inc. has requested the Authority approve additional funding in the amount of \$600,000.00 for providing continued engineering Hurricane Sandy Restoration services which shall terminate July 31, 2013 at the Sayreville Pump Station as set forth in Attachment #1 hereto; and

WHEREAS, the Authority's Staff have reviewed said request and have determined it necessary to provide additional funding increasing the current authorized funding limit of \$600,000.00 to \$1,600,000.000 for Hurricane Sandy related work only; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for said Amendment in the amount of an additional \$600,000.00, to be paid from the Wastewater Operating Budget

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

1. For all future reference the title of this Resolution shall be "Amendment No. 2 to Engineering Services During Construction of Contract 10-2-6(SPS)(REBID)/The Rehabilitation and Upgrade of the Sayreville Pump Station- R3M Engineering, Inc.", and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. In compliance with procedures and requirements for the fair and open process set forth in the Act, R3M Engineering, Inc. shall be, and is hereby retained to continue performing engineering services during construction for and on behalf of the Authority.

3. The Authority's Counsel and Staff are hereby authorized to prepare the necessary agreement documents which will incorporate substantially the terms set forth in Attachment #1 hereto, and the Chairman and Secretary are hereby authorized to execute an Agreement for said services.

4. In the absence of the Chairman, the Authority's Vice Chairman is hereby authorized to execute said contract on the Chairman's behalf.

5. Payment for these continuing engineering services, which will terminate July 31, 2013, shall not exceed \$1,600,000.00 for Hurricane Sandy related work only and shall be drawn from the Wastewater Operating Budget.

6. The retainage of R3M Engineering, Inc. authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that R3M Engineering, Inc. is licensed to these engineering services during construction which profession is recognized by law.

7. Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

8. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution as required by N.J.S.A. 40A:11-5(1)(a) to be published in an appropriate newspaper.

RESOLUTION NO. WW-3-13-6-R

**RESOLUTION APPROVING EMERGENCY CONTRACTS FOR
REPAIR OF STORM DAMAGE – ONE VENDOR FOR AN AMOUNT
NOT TO EXCEED \$300,000.00**

WHEREAS, on October 29 and 30, 2012 the facilities of the Middlesex County Utilities Authority (“Authority”) were extensively damaged by a storm known as Hurricane Sandy; and

WHEREAS, N.J.S.A. 40A: 11-6 authorizes the award of contracts without public advertising notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the widespread damage and related conditions caused by Hurricane Sandy could not have reasonably been foreseen by the Authority and resulted in the declaration of states of emergency by the President of the United States and the Governor of New Jersey; and

WHEREAS, the Executive Director of the Authority has notified the Commissioners of the Authority as to the need for the performance of contracts listed within this Resolution, by reason of the conditions caused by Hurricane Sandy, resulting damage to the Authority’s wastewater treatment and conveyance facilities, and the immediate need to restore those facilities to operation so as to protect the public health, safety and welfare; and

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

1. That the emergency contracts listed on Schedule A to this Resolution, are hereby approved and ratified. Copies of all such contracts, which shall be acceptable in form to the Authority’s counsel, shall be maintained on file by the Authority in the same manner as contracts awarded pursuant to other sections of the New Jersey Local Public Contracts Law.
2. That the Executive Director and staff of the Authority are authorized to take all steps necessary to implement the said contracts, including without limitation the issuance of payment in accordance with the terms of said contracts.
3. That the Executive Director shall provide an Emergency Procurement Report regarding said contracts to the New Jersey Department of Community Affairs, as soon as practicable.
4. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law

RESOLUTION NO. WW-03-12-7-R

APPROVAL OF ADMINISTRATIVE CONSENT ORDER AND AUTHORIZATION TO EXECUTE ADMINISTRATIVE CONSENT ORDER BETWEEN NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MIDDLESEX COUNTY UTILITIES AUTHORITY

WHEREAS The Middlesex County Utilities Authority (“Authority”) owns and operates a sewage treatment plant in Sayreville, New Jersey which treats the wastewater from a population of approximately 800,000 in 33 towns and cities in Middlesex, Union and Somerset counties; and

WHEREAS The Authority Trunk Sewer System for the treatment plant consists of two trunk lines extending over 11 miles along the Raritan River from Bound Brook to Sayreville and the South River interceptor system extending over 4.5 miles from Old Bridge to East Brunswick (“Trunk System”); and;

WHEREAS, The Authority owns and operates five pump stations within the collection system for the treatment plant, including the Sayreville Pump Station, the Edison Pump Station and the South Amboy Pump Station; and

WHEREAS, On October 29-30, 2012, the storm commonly known as Hurricane Sandy struck the New Jersey coast causing widespread devastation and substantial damage including damage to the Authority’s Trunk System, Sayreville Pump Station, Edison Pump Station and South Amboy Pump Station; and

WHEREAS , the New Jersey Department of Environmental Protection (“NJDEP”) maintains that it prepared the initial Administrative Consent Order (“ACO”) as a result of emergency conditions, that it is extraordinary, and it is intended to serves as the emergency environmental compliance document during the estimated seven month restoration of the Sayreville Pump Station. The ACO incorporates the Hurricane Recovery Plan for the repairs of the Sayreville Pump Station and includes a plan to construct Temporary Wet Weather Discharge Facilities (TWWDF) to protect the pump station from wet weather flows as developed by the Authority with the assistance of the US Army Corps of Engineers; and

WHEREAS, NJDEP and the Authority are finalizing the ACO, the most recent draft of which is attached hereto, which embodies our joint response to the destruction caused by Hurricane Sandy and the damage that disrupted normal operations of the Trunk System and pump stations particularly at the Sayreville Pump Station, and related matters.

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

1. For all future references, the title of this Resolution shall be “Approval of Administrative Consent Order and Authorization to Execute Administrative Consent Order Between New Jersey Department of Environmental Protection and Middlesex County Utilities Authority”, and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. That MCUA is authorized to implement the ACO as initially proposed by NJDEP, as may be modified, as set forth in the attached Draft Administrative Consent Order and said ACO is approved in substantially the form attached hereto subject to final review of counsel.

3. The Executive Director is hereby authorized to execute the Administrative Consent Order in substantially the form attached hereto subject to final review of counsel.

4. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION WW-3-13-8-R
CONTRACT 13-3-4(SPS)/EMERGENCY CONTRACT FOR
HIGH VOLTAGE SUBSTATION REPAIRS AT THE SAYREVILLE PUMP STATION
HI-VOLT ELECTRIC

WHEREAS, the Middlesex County Utilities Authority's (Authority) Technical Staff and Consulting Engineer have determined that an emergency exists in the failure of switching devices for the Q-69 power feed into the Sayreville Pump Station main substation as detailed in Attachments #1 and #2 hereto; and

WHEREAS, if said switching devices and components are not immediately repaired and/or replaced the operation of the Sayreville Pump Station will be adversely affected resulting in catastrophic events potentially disabling the entire main substation and injuring personnel; and

WHEREAS, the Chief Engineer, the Consulting Engineer, and the Executive Director have certified to the Commissioners that an emergency exists and that a contract to replace the switching device must be immediately awarded; and

WHEREAS, the Board of Commissioners has determined that the potential for such adverse impacts constitutes an immediate threat to the public welfare, health and safety; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6 Authority may procure emergency services without the necessity of advertising for bids pursuant to N.J.S.A.40A:11-1 et seq.; and

WHEREAS, the Authority Staff and Consulting Engineer have solicited a proposal and quotation from Hi-Volt Electric (Contractor) to provide all necessary labor, material, tools and equipment to replace 34.5 and 5kv substation electrical related apparatus and components ; and

WHEREAS, Hi-Volt Electric is preparing a proposal and schedule of rates and services as required by N.J.A.C. 5:34-4.5(c) to provide all necessary labor, material, tools and equipment to replace 34.5 and 5kv substation electrical related apparatus and components for an estimated amount not to exceed \$150,000.00 including contingency; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6 the Authority's Staff and its Commissioners desire to contract with Hi-Volt Electric for said emergency repairs; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such emergency repairs in an amount not to exceed \$150,000.00, to be paid from the Wastewater Operating Budget;

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

1. For all future reference the title of this Resolution shall be "Emergency Contract For High Voltage Substation Repairs At The Sayreville Pump Station - Hi-Volt Electric," and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. In order to protect the public welfare, health and safety the Authority shall take emergency action to implement the necessary electrical repairs.

3. The Authority shall contract with Hi-Volt Electric to perform emergency provide all necessary labor, material, tools, and equipment to replace 34.5 and 5kv substation electrical related apparatus and components for said emergency repairs.

4. The Authority's Counsel and Staff are hereby authorized to prepare the necessary contract documents which will incorporate the terms of Hi-Volt Electric's proposal, and the Chairman and Secretary are hereby authorized to execute a Contract for said services.

5. In the absence of the Chairman, the Authority's Vice Chairman is hereby authorized to execute said contract on the Chairman's behalf.

6. Payment not to exceed \$150,000.00 for said emergency repair services shall be drawn against the Wastewater Operating Budget.

7. The retainage of Hi-Volt Electric authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that the Board of Commissioners has determined that an emergency condition exists consistent with N.J.S.A.40A:11-6.

8. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. WW-03-12-9-R

**APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE WETLAND
MITIGATION BANK CREDIT PURCHASE AGREEMENT BETWEEN GREEN VEST, LLC
AND MIDDLESEX COUNTY UTILITIES AUTHORITY**

WHEREAS The Middlesex County Utilities Authority (“Authority”) owns and operates a sewage treatment plant in Sayreville, New Jersey which treats the wastewater from a population of approximately 800,000 in 33 towns and cities in Middlesex, Union and Somerset counties; and

WHEREAS The Authority has undertaken to obtain all necessary approvals for the Main Trunk Sewer Rehabilitation Project – Phase I pursuant to Contract 12-3-1(MT); and

WHEREAS, On November 2, 2012, the New Jersey Department of Environmental Protection (“NJDEP”) granted the Authority Freshwater Wetland General Permit No. 2 for the Main Trunk Sewer Rehabilitation Project including slip lining rehabilitation of 6,173 linear feet of existing 60” and 66” Main Trunk Sewer collection system within the regulatory area of the Raritan River in the Township of Piscataway; and

WHEREAS the rehabilitation activities authorized by the NJDEP General Permit, Permit No. 1217-12-0003.1 FWW120001 , involve the disturbance of up to 0.276 acres of intermediate resource value wetlands for construction of the sanitary sewer line; and

WHEREAS NJDEP requires under Condition #32 of the Permit that the wetlands disturbance be mitigated prior to construction of the project; and

WHEREAS NJDEP requires that the mitigation be satisfied by either a wetland Creation, Restoration or Enhancement project or by the Purchase of Credits from one of two NJDEP designated Mitigation Banks which provide credits for mitigation projects serving Watershed Management Area 9 – Lower Raritan River as identified under Condition #37 of the Permit; and

WHEREAS the a Creation, Restoration or Enhancement Project is not viable as it is a very lengthy and expensive process requiring approval of a mitigation design prior to or concurrent with the rehabilitation work; and

WHEREAS, the Authority contacted both mitigation banks designated by NJDEP to obtain costs and availability of credits and determined the cost of up to 0.276 acres of wetland mitigation from Wyckoff’s Mills Wetland Mitigation Bank costs approximately \$97,500 and from Cranbury Wetland Mitigation Bank costs approximately \$90,000; and

WHEREAS, the Cranbury Mitigation Bank is owned by GreenVest, LLC and GreenVest, LLC has confirmed availability of the credits at a price of \$300,000 per credit or \$30,000 per tenth of a credit subject to execution of its Purchase Agreement in substantially the form attached hereto; and

WHEREAS, upon signature of the Purchase Agreement and payment for the credits, GreenVest, LLC will notify NJDEP that all permit conditions relating to mitigation have been satisfied; and

WHEREAS, satisfaction of the permit condition regarding mitigation is the last condition needed to be satisfied prior to construction of the Main Trunk Sewer Rehabilitation Project.

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer has certified, in writing, the availability of sufficient funds for payment for mitigation credits in the amount Not to Exceed \$90,000 to be paid from the Wastewater Division Operating Budget

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

1. For all future references, the title of this Resolution shall be “Approval of Agreement and Authorization to Execute Wetland Mitigation Bank Credit Purchase Agreement Between Green Vest, LLC and Middlesex County Utilities Authority”, and all subsequent documents associated with the matters addressed herein shall reference this Title.
2. That the Purchase of Mitigation Credits from Green Vest LLC from the Cranbury Mitigation Bank is authorized as set forth in a Wetland Mitigation Bank Credit Purchase Agreement in substantially the form of the Agreement attached hereto for an amount Not to Exceed \$90,000.00.
3. The Executive Director is hereby authorized to execute the Wetland Mitigation Bank Credit Purchase Agreement.
4. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

RESOLUTION NO. SW/WW-3-13-10-R

CONTRACT EXTENSION - DENTAL HEALTH BENEFITS INSURANCE SERVICES
4/1/13-3/31/14 (YEAR 2)
DELTA DENTAL PLAN OF NEW JERSEY

WHEREAS, the Middlesex County Utilities Authority (“Authority”) has adopted Personnel Policies and Procedures which provide employees with Dental Health Benefits insurance coverage; and

WHEREAS, pursuant to Resolution SW/WW-3-12-7-R, Delta Dental has provided one year of Dental Insurance Coverage during the period 4/1/12 - 3/31/13; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 the term for insurance coverage may be extended for a three (3) year period; and

WHEREAS, Delta Dental Insurance Plan of New Jersey will extend Dental Insurance Coverage for a second year as required by N.J.A.C. 5:34-4.5 and as set forth in Attachment No. 1; and

WHEREAS, in accordance with the Local Public Contracts Law Regulations N.J.A.C. 5:34-1 et seq., the Authority and its members and Commissioners desire to retain Delta Dental Plan of New Jersey for a second year for said Dental Insurance Coverage; and

WHEREAS, Authority’s staff has evaluated the premiums for the second year and has estimated a cost of \$309,000.00 for the period April 1, 2013, through March 31, 2014; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer has certified, in writing, the availability of sufficient funds for such Services in the amount of \$309,000.00, to be paid from the Wastewater and Solid Waste Operating Budgets;

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

1. For all future reference the title of this Resolution shall be “Dental Insurance Coverage 4/1/13-3/31/14 - Delta Dental Plan of New Jersey”, and all subsequent documents associated with the matters addressed herein shall reference this Title.

2. Delta Dental Plan of New Jersey shall be, and is hereby retained to provide Insurance Coverage for the period April 1, 2013, through March 31, 2014, as set forth in Attachment No.1.

3. The Treasurer is authorized to execute any and all documents and necessary documents as may be required to implement this authorization.

4. Payment in an amount not to exceed \$309,000.00, as ordered, for said insurance coverage shall be drawn against the Wastewater and Solid Waste Operating Budgets.

5. The extension of insurance coverage with Delta Dental Plan of New Jersey authorized herein shall be made without public bidding pursuant to the Local Public Contracts Law of the State of New Jersey for the reason that the subject services are Extraordinary Unspecifiable Services.

6. Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.

7. The Executive Director of the Authority is hereby authorized and directed to cause notice of this Resolution as required by N.J.S.A. 40A:11-5(1)(a) to be published in an appropriate newspaper.

RESOLUTION NO. SW-3-12-11-R

**APPROVING EXECUTION OF THE SEVENTH
AMENDED HOST MUNICIPALITY AGREEMENT
BETWEEN THE MIDDLESEX COUNTY UTILITIES AUTHORITY
AND THE TOWNSHIP OF EAST BRUNSWICK**

WHEREAS, the Middlesex County Utilities Authority (“MCUA”) operates the Middlesex County Landfill pursuant to a Solid Waste Facility Permit issued March 27, 2006; and

WHEREAS, pursuant to N.J.S.A. 13:1E-28, the MCUA is obliged to provide East Brunswick with Host Municipality Benefit consideration of the fact that the Middlesex County Landfill is located within its borders; and

WHEREAS, in 1988 the MCUA entered into a Host Municipality Agreement with the Township of East Brunswick (the “Original Agreement”) which was subsequently modified in 1993 by the “Second Amended Agreement”, than modified in 2003 by the “Third Amended Agreement”, than modified in 2005 by the “Fourth Amended Agreement” and further modified in 2006 by the “Fifth Amended Agreement” and further modified in 2009 by the “Sixth Amended Agreement”; and

WHEREAS, the Executive Director and Construction Counsel have prepared an amendment to the foregoing Agreement attached hereto and incorporated herein (the “Seventh Amended Host Municipality Agreement”); and

WHEREAS, in consideration of the payments to the Township of East Brunswick of certain host community benefits as set forth in the Sixth Amended Host Municipality Agreement, the Township has continued its express agreement (1) that it will not institute or join in any action in law or equity or to take any action before the New Jersey Department of Environmental Protection or any other state or federal agency to challenge, block or impede the MCUA’s use, operation and expansion of the Middlesex County Landfill; and (2) that it will not provide any financial support for any of its consultants or to permit its own employees to appear, assist or give evidence in any such proceedings; and

WHEREAS, pursuant to N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer has certified in writing, the availability of sufficient funds for host community benefits to be paid from the Solid Waste Division Operating Budget; and

WHEREAS, the Commissioners of the MCUA deem it in the best interests of the MCUA to approve the Seventh Amended Host Community Municipality Agreement.

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

1. For all future reference the title of this Resolution shall be “Approving Execution of the Seventh Amended Host Municipality Agreement between the Middlesex County Utilities Authority and the Township of East Brunswick”, and all subsequent documents and Vouchers for payment associated with the matters addressed herein shall reference this title.

2. The Executive Director and Secretary are hereby authorized to execute the Seventh Amended Host Municipality Agreement substantially in the form annexed hereto subject to final review of counsel.

3. Payments shall be made to the Township of East Brunswick pursuant to the Seventh Amended Host Municipality Agreement to be drawn against the Solid Waste Division Operating Budget.

4. This Resolution shall take effect upon expiration of the Freeholder veto period in accordance with law.