

THE LINDEN ROSELLE SEWERAGE AUTHORITY

2021 RATE RESOLUTION #31 -21

WHEREAS, the Authority at its October 27, 2020 meeting reviewed its budget for 2021 and approved the same for State review and approval; and

WHEREAS, the Authority obtained such approval on December 22, 2020 and adopted said budget January 7, 2021;

WHEREAS, the Authority allocates debt service, operating costs, maintenance expenses and fund requirements to the City of Linden and the Borough of Roselle based upon a report entitled "User Charge and Industrial Cost Recovery," dated May 1979, as revised by the "2018 User Charge System Report". Prepared by CDM Smith, Boston, Massachusetts and adopted April 25, 2018; and

WHEREAS, the Authority has agreed with the City of Linden to adopt rates for, and bill users in the City directly.

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby:

(1) Approves an estimated amount of \$4,875,474 for 2021 to be collected at a rate of \$3.56 per one hundred cubic feet of water consumption measured or estimated for the year 2020 which shall be charged against all Residential and Small Industrial properties connected to the City of Linden's sewer system, except Major Industrial Users. Provided however, there shall be a minimum use of 30 hundred cubic feet charged against all such properties, regardless of the amount of water actually consumed, as a facilities charge;

(2) Approves the following estimated amount of \$393,014 for 2021 to be collected from Major Industrial Users Class A:

- (a) \$4,759.00 per million gallons of wastewater;
- (b) \$1,078.00 per ton of biochemical oxygen demand (BOD);
- (c) \$2,231.00 per ton of suspended solids (TSS);

(3) Approves an estimated amount of \$1,241,503 for 2021 to be collected from Major Industrial Users Class B: \$1,233.00 per million gallons of wastewater. Capacity fee billing at \$525 per million gallons per year of Reserved Capacity would apply if 80% of flow limits are not met.

(4) Authorizes the City of Linden through its Tax Collector to collect payments of non-major users in the City and place the same in a bank account for the Authority;

(5) Adopts June 30, 2021, and September 30, 2021 as the dates for payments by all users in the City of Linden and adopts an interest charge of one and one half percent (1.5%) per month for unpaid balances remaining after 30 days.

(6) Charges to the Borough of Roselle the amount of \$2,943,255 (payable quarterly) in accordance with the Municipal Agreement; and

(7) Directs the Executive Director to immediately transmit to the Director, Division of Local Government, Department of Community Affairs and the Municipalities certified copies of this Resolution, together with all relevant information and documentation prescribed in applicable regulations or as may be required by the Director.

I certify the foregoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a Board meeting on April 27, 2021.


Derek Armstead, Secretary

THE LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #32-21

**APPROVING THE TERMINATION OF A DOCK USE AGREEMENT WITH
BRAYCO MARINE, LLC**

WHEREAS, the Linden Roselle Sewerage Authority (“LRSA” or “Authority”) is the owner of a dock facility (the “Dock Facility”) located on real property owned by the LRSA and extending into the Arthur Kill waterway in Linden, New Jersey; and

WHEREAS, Brayco Marine LLC (“Brayco”), a New Jersey limited liability company, and affiliate of Brayco, Inc., having an address at 25 E 21st St., Linden, NJ, and having a second address at 951 County Highway 537, Cream Ridge, New Jersey 08514, is engaged in the business of welding and steel fabrication of docks, and

WHEREAS, on April 28, 2020, the LRSA entered into a Dock Use Agreement (the “Dock Use Agreement”) with Brayco, which provided Brayco with a non-exclusive license to use the Dock Facility and required Brayco to provide certain work and maintenance to the Dock Facility (a copy of the Dock Use Agreement is annexed hereto as Exhibit A); and

WHEREAS, Brayco has requested that the Dock Use Agreement be terminated and that the LRSA and Brayco be released from all liability and obligations set forth in the Dock Use Agreement; and

WHEREAS, Brayco has not used the Dock Facility and has not performed any work at the Dock Facility, nor has Brayco received any benefit from the Dock Use Agreement or the license it provided; and

WHEREAS, after consultation with its Counsel and its Executive Director, the LRSA has agreed to the termination of the Dock Use Agreement upon certain conditions being met by Brayco; and

WHEREAS, the LRSA will agree to the termination of the Dock Use Agreement, and the release of liability of Brayco pursuant to the Dock Use Agreement, on the condition that all of the LRSA's expenses related to the negotiation, execution, administration and termination of the Dock Use Agreement have been paid in full (the "Condition") by Brayco pursuant to the Escrow Agreement that Brayco or its affiliate executed with the LRSA.

NOW, THEREFORE, BE IT RESOLVED, that the Dock Use Agreement between the LRSA and Brayco may be terminated upon the satisfaction of the Condition.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the LRSA's Chairman and Secretary may execute the Termination Agreement, which is annexed hereto as Exhibit B, in substantially similar form and substance upon satisfaction of the Condition.

I certify the foregoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on April 27, 2021.


Derek Armstead, Secretary

LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #33-21

AUTHORIZATION TO RESCIND RESOLUTION #15-21

WHEREAS, by Resolution No. 15-21 a contract in the amount of not to exceed \$40,000.00 was awarded to Bertone Piccini LLP, to provide legal representation in various environmental, labor/personnel, litigation and Board matters for the year 2021 through the Authority's 2022 Reorganizational Meeting; and

WHEREAS, it has become necessary to rescind this contract award due to significant personnel changes at the awarded firm.

NOW THEREFORE, BE IT RESOLVED, by the Linden Roselle Sewerage Authority that Resolution #15-21 is hereby rescinded.

I certify the foregoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on April 27, 2021.


Derek Armstead, Secretary

LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #34-21

QUALIFICATION OF VENDORS FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, in accordance with N.J.S.A. 40A:11-2(6) the Linden Roselle Sewerage Authority (“Authority”) a body politic and corporate of the State of New Jersey, instituted a policy to negotiate agreements for Professional Services on the basis of demonstrated confidence and qualifications for types of Professional Services required by the Authority pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4; and

WHEREAS, the Authority has received in accordance with a public notice issued on April 1, 2021, sealed qualifications for Legal Services, such services to be provided to the Authority on an as needed basis; and

WHEREAS, pursuant to the fair and open process, and based upon review of the qualifications and recommendations therefore, certain professionals are qualified to provide Legal Services to the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE LINDEN ROSELLE SEWERAGE AUTHORITY that in accordance with N.J.S.A. 40A:11-2(6) on such basis as necessary, and for each of the approved and qualified vendors, a resolution approving each individual specific contract shall be considered by the Members of the Authority.

I. PROFESSIONAL LEGAL SERVICES

1. Greenbaum Rowe Smith & Davis LLP
75 Livingston Avenue, Suite 301
Roseland, N.J. 07068
3. McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Second Floor
Roseland, NJ 07068

I certify the foregoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on April 27, 2021.


Derek Armstead, Secretary

THE LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #35-21

**AWARDING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL/ BOARD
ATTORNEY SERVICES**

WHEREAS, there exists a need for legal representation for the Linden Roselle Sewerage Authority in various environmental, labor/personnel, litigation and board matters commencing May 1, 2021 through the 2022 Reorganizational Meeting; and

WHEREAS, the Executive Director and Staff are recommending that a contract award in the sum of not to exceed \$40,000.00 to the firm of Greenbaum, Rowe, Smith & Davis, LLP is in the best interest of the Authority, the said Greenbaum, Rowe, Smith & Davis, LLP having submitted a response to a Request for Qualifications through a fair and open process under N.J.S. 19-44A-20.1 et seq. issued April 1, 2021 and is a qualified vendor thereunder; and

WHEREAS, the maximum amount of the contract for such services is the sum of \$40,000.00; and

WHEREAS, sufficient funds are available for the contract in the Authority's 2021 budget in Account No. 01-100-7760 (Special Legal Services) as evidenced by the Certifying Finance Officer certification attached hereto; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing award of a contract for "Professional Services" without competitive bid and the contract award be available for public inspection.

NOW, THEREFORE BE IT RESOLVED, by the Linden Roselle Sewerage Authority as follows:

1. The Chairman and Secretary are authorized and directed to execute the said Contract with Greenbaum, Rowe, Smith & Davis, LLP in a sum not to exceed \$40,000.00 for a one-year term from the date hereof.
2. This contract is awarded without competitive bid in accordance with N.J.S.A. 40:11-1(1)(A) because the subject matter thereof consists of professional services as defined in N.J.S.A. 40:11-2(6).
3. A Notice of this action shall be printed once in The Local Source.
4. This contract is awarded pursuant to a fair and open process as set forth and in accordance with the provisions of N.J.S.A. 19:44A-20.4 et seq. and a copy of a resolution of qualification is attached hereto.


I certify the forgoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on April 27, 2021.


Derek Armstead, Secretary

LINDEN ROSELLE SEWERAGE AUTHORITY
CERTIFICATION OF FUNDS

I hereby certify that sufficient funds are available in the Linden Roselle Sewerage Authority's 2021 Budget in Account No. 01-100-7760 (Special Legal Services) for a contract in the total amount of \$40,000.00 with Greenbaum, Rowe, Smith & Davis, LLP now pending approval by the Authority.

Dated: April 27, 2021



Jeffrey A. Williams
Certifying Finance Officer

LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #36-21

**AUTHORIZING AWARD OF CONTRACT TO PROVIDE ENGINEERING
ENERGY CONSULTATION SERVICES**

WHEREAS, in accordance with N.J.S.A. 40A:11-2(6), the Linden Roselle Sewerage Authority, a body politic and corporate of the State of New Jersey, instituted a policy to negotiate agreements for Professional Services on the basis of demonstrated confidence and qualifications for types of Professional Services required by the Authority pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20; and

WHEREAS, pursuant to the fair and open process, the Authority solicited proposals and by resolution at its February 2021 Organizational Meeting qualified and approved engineering firms to provide consulting services by separate resolution approving each individual specific contract to be considered by the Members of the Authority; and

WHEREAS, there exists a need for the Authority to retain the services of a Consulting Engineer to provide Energy Consultation Services; and

WHEREAS, the Authority requested a proposal from Remington & Vernick Engineers for said services and the Members of the Authority having reviewed said proposal and determined the award of said contract to be in the best interest of the Authority; and

WHEREAS, the maximum amount of the contract is \$35,040.00 and sufficient funds are available in the Authority's 2021 budget in Account No. 01-100-8510 (Contingency Expense), as evidenced by the Certification of Funds attached hereto; and

WHEREAS, the Local Public Contract Law (N.J.S.A.11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" and the contract itself must be available for public inspection.

NOW THEREFORE, BE IT RESOLVED, by the Linden Roselle Sewerage Authority as follows:

1. The Linden Roselle Sewerage Authority authorizes the execution of an Agreement to retain Remington & Vernick Engineers to provide Energy Consultation Services.

2. **The Chairman is hereby authorized and directed to sign the Agreement.**
3. **This contract is awarded without competitive bidding as a "Professional Service"; in accordance with N.J.S.A. 40:11-5(1)(A) of the Local Public Contracts Law.**
4. **A Notice of this action shall be printed once in the Local Source.**
5. **This contract is awarded pursuant to a fair and open process as set forth and in accordance with the provisions of N.J.S.A. 19:44A-20.4 et seq. and a copy of a resolution of qualification is attached hereto.**

I certify that the foregoing is a true and exact copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on April 27, 2021.

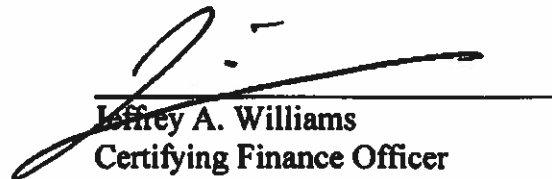

Derek Armstead, Secretary

LINDEN ROSELLE SEWERAGE AUTHORITY

CERTIFICATION OF FUNDS

I hereby certify that sufficient funds are available in the Linden Roselle Sewerage Authority's 2021 Budget in Account No. 01-100-8510 (Contingency Expense) for a contract award to Remington & Vernick Engineers in an amount not to exceed \$35,040.00 now pending approval.

Dated: April 27, 2021


Jeffrey A. Williams
Certifying Finance Officer

LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION #37-21

**AUTHORIZING AMENDMENT OF CHANGE ORDER NUMBER 1 TO
BUILDING IMPROVEMENTS PROJECT PHASE V**

WHEREAS, a contract in the amount of \$988,000.00 was awarded to APS Contracting Inc., by Resolution #89-19, for the Construction Phase of the Building Improvements Project Phase V, to be financed through a loan from the New Jersey Infrastructure Bank; and

WHEREAS, by Resolution #42-20, the Members authorized Change Order Number 1, a credit (decrease) to the contract in the amount of \$2,951.97, resulting in a total contract amount of \$985,048.03; and

WHEREAS, the by Resolution #58-20 the Members authorized Change Order Number 2, a contract increase in the amount of \$4,578.60 to the Project, bringing the total Contract amount to \$989,626.63; and

WHEREAS, the amount for Change Order Number 1, was incorrectly stated in Resolution #42-20 and should have been a credit (decrease) to the contract in the amount of \$2,950.74.

NOW THEREFORE, BE IT RESOLVED by the Linden Roselle Sewerage Authority that Change Order Number 1, is hereby amended to \$2,950.74, resulting in a total Contract amount of \$989,627.86.

I certify that the foregoing resolution is a true and exact copy of the Resolution adopted at the meeting held on April 27, 2021.



Derek Armstead, Secretary

LINDEN ROSELLE SEWERAGE AUTHORITY

CERTIFICATION OF FUNDS

I hereby certify that sufficient funds are available in the Linden Roselle Sewerage Authority's Renewal and Replacement Fund (Account No. 2574000681) for the correction of the original amount of Change Order No. 1 (Contract decrease i/a/o \$2,951.97 to Contract decrease of \$2,950.74) to the contract with APS Contracting Inc. for a total contract amount of not to exceed \$989,627.86 for the Building Improvements Project Phase V to be reimbursed through a loan from the New Jersey Infrastructure Bank.

DATED: April 27, 2021



Jeffrey A. Williams
Certifying Finance Officer