

Resolution 14-061

RESOLUTION AUTHORIZING ENDORSEMENT OF  
REQUEST FOR MAPPING REVISION / GRANT CONDITION WAIVER  
FOR MORRIS COMMONS  
Block 22401, Lots 3.06 & 3.07  
TOWNSHIP OF ROCKAWAY

**WHEREAS**, Morris Commons, LLC with business offices located at 570 Commerce Blvd., Carlstadt, New Jersey (Applicant), desires to connect a new residential development including 204 townhouses (2 & 3 bedrooms), 96 rental apartments (1, 2 & 3 bedrooms) and a 5,200 sf club house on 600 and 700 Commons Way, Rockaway Township, Tax Block 22401, Lots No. 3.06 and 3.07, to the Rockaway Valley Regional Sewerage Authority (RVRSA) system, which premises are located within an Environmentally Sensitive Area (ESA); and

**WHEREAS**, one of the conditions imposed by the United States Environmental Protection Agency (USEPA) upon the grant for the construction of the RVRSA wastewater treatment plant prevents the connection of any structure within wetlands (as delineated on maps approved by USEPA) and upon parcels wherein wetlands are subsequently delineated to the RVRSA treatment facilities for a period of 50 years from November 29, 1983; and

**WHEREAS**, in accordance with the requirements of the policy adopted by the RVRSA, the municipality where the project is located, by resolution submitted a written recommendation of endorsement to the RVRSA for a request by the applicant of a Mapping Revision / Grant Condition Waiver for the premises described above.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, as follows:

1. The RVRSA hereby endorses and approves the Mapping Revision/Grant Condition Waiver request as set forth in the municipal resolution R-14-84, adopted April 22, 2014 by the Township of Rockaway, attached hereto as Attachment A.
2. This approval is expressly conditioned upon compliance, by the Applicant, with any relevant provisions of the Highlands Preservation and Planning Act or any rules or regulations issued pursuant thereto, if any.
3. That this endorsement is not to be construed as any future approval, nor any commitment for future approval, for any part of the project which may be deemed to be outside the boundaries of the RVRSA's sewer service area. The RVRSA is not legally authorized to extend sewer service beyond the sewer service area set forth in the Future Wastewater Service Area map approved by the NJDEP for Morris County adopted on April 25, 2013 and incorporated into the Northeast, Upper Delaware and Upper Raritan Water Quality Management Plan, unless and until the same is amended to include the project area within the RVRSA sewer service area. See adopted Future Wastewater Service Area map at: [http://www.morrisplanning.org/pdfs/FWSA\\_final.pdf](http://www.morrisplanning.org/pdfs/FWSA_final.pdf).

4. This endorsement shall not supersede the requirement to obtain other approvals from the RVRSA and other governmental entities having jurisdiction before the premises are connected to the RVRSA system including, but not limited to the approval of a TWA-1 sewer extension application, issuance of a permit to connect and the inspection of the entire sewer line by the RVRSA.
5. This approval is subject to the payment of the appropriate fees and/or charges of the RVRSA or any other governmental authority having jurisdiction.
6. This approval shall not constitute a representation by the RVRSA that gallonage capacity shall be available or shall be reserved for this project at the time of issuance of a favorable mapping revision and/or a grant condition waiver by the NJDEP or USEPA.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on July 10, 2014

On motion of Joseph Lowell

Seconded by Michael Guadagno

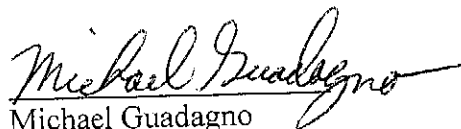
And a Roll Call Vote as Follows:

Yeas: (4) Cegelka, Corbett, Guadagno, Lowell

Nays: (0) None

Abstain: (2) Andes and Secco

Absent: (4) Recchia, Schaefer, Schorno and Vincitore

  
Michael Guadagno  
Board Secretary

## RESOLUTION 14-062

### RESOLUTION AUTHORIZING EMERGENCY PROCUREMENT OF BIOXIDE IN CONNECTION WITH THE ODOR AND CORROSION CONTROL SYSTEM OF THE RVRSA

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority (RVRSA) operates a temporary system leased by the RVRSA from Evoqua Water Technologies LLC located in the Borough of Rockaway, Block 15, Lot 5, along Beaver Brook, with access roads at Stickle Avenue and Beach Street. Bioxide solution is used as part of the Odor and Corrosion Control System. The Odor and Corrosion Control System is an integral component of RVRSA's System and assists in the prevention of corrosion in the trunk line and is used to attain compliance with State nuisance laws and the Air Pollution Control Act, which prohibits emissions into the outdoor atmosphere of air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property; and

**WHEREAS**, the RVRSA determined that it would be advantageous and cost effective to construct a permanent facility at the site and terminate the lease agreement with Evoqua and commenced the design of a permanent facility to be constructed at the site after the termination of RVRSA's contract with Evoqua; and

**WHEREAS**, while in the process of developing bid specifications designed to provide for the construction of a permanent Odor and Corrosion Control Facility in the existing location and providing for the purchase of Bioxide, on or about June 11, 2014 the RVRSA Executive Director was notified that the existing Bioxide System may be located in wetlands, according to the NJDEP Wetlands Map for the area; and

**WHEREAS**, RVRSA immediately undertook to investigate the concern and, after investigation, has determined that the system is not located in wetlands, however, it is located in a transition area adjacent to a wetland and within the flood hazard area, and therefore permits are required from NJDEP, to install a permanent system at the existing location; and

**WHEREAS**, RVRSA has further determined that no other site is suitable for the location of a permanent facility, although the facility could be relocated to the roof of an existing RVRSA Meter Chamber at that location. In order to construct a facility on the roof of the Meter Chamber, RVRSA must obtain Site Plan and other approvals from Rockaway Borough; and

**WHEREAS**, RVRSA has commenced the process required to obtain those permits and other approvals needed in order to permanently construct the odor and corrosion control facility, but in the interim, RVRSA must purchase Bioxide and continue its existing lease of the odor and corrosion control equipment to continue the operation of the existing system in order to maintain compliance with the New Jersey Air Pollution Control Act and State nuisance laws and cannot postpone the purchase of Bioxide and the associated equipment until the permits, approvals and permanent facility is constructed; and

**WHEREAS**, Evoqua has submitted a proposal to the RVRSA, dated July 9, 2014, providing for the extension of the RVRSA's existing lease of the Odor and Corrosion Control Equipment for 8-months or the duration of the emergency, and for supplying

Bioxide to the RVRSA at a cost of \$2.39 per gallon. RVRSA anticipates that it may utilize approximately 7,000-gallons a month for the next 8-months, resulting in a cost of approximately \$133,848.00.

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, requisitions for procurement of services or goods may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of said services; and

**WHEREAS**, the RVRSA is satisfied that, for the reasons articulated by JoAnn Mondsin, Executive Director, RVRSA in the written request attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-6.1; and

**WHEREAS**, funds are available therefore from line 01-507-030, Trunkline Maintenance and Supplies.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority as follows:

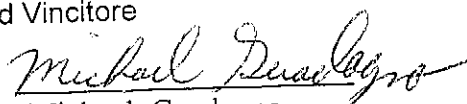
1. The RVRSA declares that an emergency exists due to the immediate need to lease odor and corrosion control equipment from Evoqua Water Technologies LLC, with offices located at 2650 Tallevast Road, Sarasota, FL 34243 and to purchase sufficient supplies of Bioxide to operate the facility during the period of time required to obtain permits and approvals and to construct permanent facilities at the site, which actions are all essential and vital components of the plant's overall ability to continue to comply with law, and as such an emergency is declared requiring immediate procurement of equipment and supply services.
2. The Executive Director is authorized to issue purchase orders for the provision of emergency services for emergency procurement of Odor and Corrosion Control equipment and Bioxide, as described in the Certification attached and countersigned by the B. K. Sandy Thai, Chief Financial Officer with:
  - Evoqua Water Technologies LLC
3. This Resolution shall take effect as provided by law.

*I hereby* certify that this Resolution was adopted at a regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on July 10, 2014.

On motion of Glenn Corbett  
Seconded by Michael Guadagno

and a Roll Call Vote as Follows:

Yeas: (6) Andes, Cegelka, Corbett, Guadagno, Lowell, Secco  
Nays: (0) None  
Abstain: (0) None  
Absent: (4) Recchia, Schaefer, Schorno and Vincitore

  
Michael Guadagno  
Secretary

Resolution 14-063

RESOLUTION TO AUTHORIZE PAYMENT OF VOUCHERS

Be it resolved by the Rockaway Valley Regional Sewerage Authority that vouchers totaling \$ 1,594,029.90 being approved for payment on the accounts below:

Total:           \$ 1,594,029.90

This Resolution was adopted at the regular meeting of the Rockaway Valley Regional Sewerage Authority held on July 10, 2014

On the motion of Glenn Corbett

Second by: Michael Guadagno

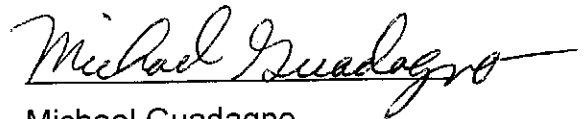
And a Roll Call Vote as follows:

Yeas: (6) Andes, Cegelka, Corbett, Guadagno, Lowell, Secco

Nays: (0) None

Abstain: (0) None

Absent: (4) Recchia, Schaefer, Schorno and Vincitore

  
Michael Guadagno  
Board Secretary

Resolution 14-064

**RESOLUTION AUTHORIZING CLOSED SESSION**  
**PURSUANT TO THE OPEN PUBLIC MEETINGS LAW**

BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority on this 10th day of July, 2014, as follows:

1. The Authority shall adjourn to executive session in accordance with N.J.S.A. 10:4-12(b)(7), being the Open Public Meetings Law, in order to discuss issues involving a real estate matter and pending or anticipated litigation in connection with encroachment allegations made by the New Jersey Firemen's Home.
2. The minutes of the executive session relating the the real estate matter will be released to the public in the event of successful negotiations, and in the event of litigation the minutes shall be available to the public upon the issuance of an unappealable Order of a Court of competent jurisdiction, upon settlement of all issues in the matter, or the failure to institute litigation after the passage of reasonable time.
3. This Resolution shall take effect as provided by law.

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Rockaway Valley Regional Sewerage Authority on July 10, 2014.

And A Roll Call Vote as follows:

On the motion of John Cegelka

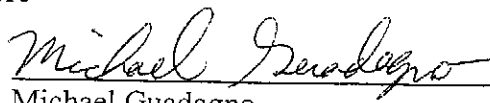
Second by Glenn Corbett

Yeas: (6) Andes, Cegelka, Corbett, Guadagno, Lowell, Secco

Nays: (0) None

Abstain: (0) None

Absent: (4) Recchia, Schaefer, Schorno and Vincitore

  
Michael Guadagno  
Board Secretary