

RESOLUTION NO. 22-068

**RESOLUTION AUTHORIZING EXECUTION OF UTILITY
ENGINEERING AND CONSTRUCTION AGREEMENT (UECA-6-
RT 46 PEQUANNOCK ST TO CR 513 (WEST MAIN ST 163180))
TOGETHER WITH THE ENGINEERING AND CONSTRUCTION
AGREEMENT AMENDMENT BETWEEN THE ROCKAWAY
VALLEY REGIONAL SEWERAGE AUTHORITY AND THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the State of New Jersey is preparing to undertake the design and construction of Rt 46, Pequannock St to CR 513 (West Main Street) located in Dover Town & Rockaway Township in Morris County (the "Project"); and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing sewer system which is owned and operated by the Rockaway Valley Regional Sewerage Authority (the "Authority"); and

WHEREAS, the Authority's legal right to occupy a public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

WHEREAS, the Authority is not obligated by State Law or agreement to relocate its own facilities at its own expense for this type of Project; and

WHEREAS, the provisions of the State's Accommodation of Utilities within Highway Right-of-Way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable; and

WHEREAS, the State and Authority shall cooperate in developing plans and cost estimates for their respective work necessitated by the Project; and

WHEREAS, the State will authorize and reimburse the Authority for its actual costs for design, review, approval, and inspection, for the protection, relocation, or adjustment of its existing facilities necessary to accomplish the Project; and

WHEREAS, such documents specify that the design of utility facilities intended to be constructed by the State for the Authority shall be approved by the Authority before the State includes such facilities in the State's contract documents before the Project is advertised; and

WHEREAS, the Authority's costs for the Project are eligible for reimbursement as set forth within the documents to be executed; and

WHEREAS, the details relating to the process and responsibilities of the parties are set forth in greater detail within the documents to be executed.

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

1. The Executive Director is authorized to execute: (1) the NJDOT Utility Engineering and Construction Agreement UECA-6-Rt 46 Pequannock St to CR 513 (West Main St) 163180 in substantially in the form on file at the offices of the Authority; (2) the NJDOT Utility Engineering and Construction Agreement Municipal Amendment with State Contract with Exhibits 1 thru 10 to UECA-6-Rt 46 Pequannock St to CR 513 (West Main St) 163180 in substantially in the form on file at the offices of the Authority; and (3) the Commitment Letter and such other documents verifying the Authority's compliance with Federal requirements for the Project.
2. The Executive Director and the Authority's staff and consultants are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Rockaway Valley Regional Sewerage Authority at the Regular Meeting held on June 9, 2022.

On motion of: Commissioner Howarth

Second by: Commissioner Isselin


and a Roll Call vote as follows:

Yeas: (8) Andes, Corbett, Farrell, Guadagno, Howarth, Isselin, Lavery, and Zuppa.

Nays: (0)

Abstain: (0)

Absent: (2) Cegelka and Schorno


Michael Guadagno
Board Secretary