

## **RESOLUTION 22-115**

### **RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED TEMPORARY CONSTRUCTION AGREEMENT FOR THE TOWN OF BOONTON POCKET AND CANAL SIDE PARKS**

**WHEREAS**, by Resolution 19-091, adopted October 10, 2019, the RVRSA authorized the execution of the Temporary Construction Agreement for the Town of Boonton Pocket Park, which Agreement had been reviewed by Maude Snyder, County Steward, Bureau of Legal Services and Stewardship, Green Acres Program, NJDEP, and has been revised in accordance with the revisions contained in Ms. Snyder's email dated June 24, 2019; and

**WHEREAS**, additional revisions were required to be made to include Canal Side Park, which revisions were further reviewed by Adam Taylor, County Steward, Bureau of Legal Services and Stewardship, Green Acres Program, NJDEP, and adopted by RVRSA Resolution 20-062 on July 9, 2020; and

**WHEREAS**, after the aforementioned agreements were approved by the Town of Boonton and executed by the Parties, the construction work contemplated to occur in the Town of Boonton Pocket and Canal Side Parks did not materialize and therefore the term of the aforementioned Temporary Construction Agreement for the Town of Boonton Pocket and Canal Side Parks never commenced and RVRSA notified Green Acres of the same; and

**WHEREAS**, RVRSA's proposed construction project has been redesigned; and

**WHEREAS**, the RVRSA is in the process of preparing bid specifications for the redesigned work which will require temporary construction agreement as between the Parties for use of Pocket and Canal Park during construction; and

**WHEREAS**, the Town of Boonton is the owner of certain real property located at Block 78, Lot 5 and Block 34, Lot 1, on the Town tax map known as Pocket Park and Canal Side Park, respectively; and

**WHEREAS**, the Town of Boonton first received Green Acres funding in 1971 for GA project 140-1-10-392 (Pepe Field Acquisition) and although not part of the Pepe Field Acquisition, the Town of Boonton's Master Plans indicate that Canal Bed & N. Area existed as parkland at least as early as the time of the Town's first receipt of Green Acres funding in 1971; and therefore, would have been restricted by Green Acres as unfunded parkland upon receipt by the Town of Boonton of its Green Acres funds in 1971; and

**WHEREAS**, "Canal Bed & N. Area" has been referred to as Canal Park / Canal Side Park / Canal Bed or Grace Lord Park" over the years; and

**WHEREAS**, the Service Contract between the Town of Boonton and the Rockaway Valley Regional Sewerage Authority, dated July 1, 1976, attached hereto and made a part hereof,

to which the Town of Boonton is a Participant, establishes at Section 204 that the Authority, within the territory of each Participant but doing no unnecessary damage to public property and restoring all street paving and subject to the municipal street opening regulations, may construct, maintain and operate the System, free of charge by the Participant, along, over, under and in any streets, alleys, highways and other public places of such Participant; and

**WHEREAS**, it appears that the aforementioned 1976 Service Contract and a 25' wide permanent easement through Canal Side Park depicted in the 1978 Construction Record Plans was not reviewed by Green Acres or approved by the State House Commission; and

**WHEREAS**, in 1983, the Town of Boonton received Green Acres funding for a 3.6-acre portion of Canal Park (GA project 1401-13-297) and Recreation Open Space Inventory (ROSI) attached to the project agreement lists "Canal Bed & N. Area" (Block 34, Lot 1, 15 and 24 as 36.17 acres), at which such portion of Canal Park became Green Acres funded parkland; and

**WHEREAS**, in 2019, RVRSA received approval from Green Acres for a Temporary Construction Agreement for work in the Town of Boonton's Block 78, Lot 5, an unfunded Green Acres encumbered parcel locally referred to as "Pocket Park"; and

**WHEREAS**, in 2020, RVRSA contacted Green Acres to expand the scope of their proposed work to include a temporary, above ground bypass system in the Town of Boonton's Block 34, Lot 1, also known as Canal Side Park and the "Amended Temporary Construction Agreement for Pocket and Canal Parks" was approved by Green Acres and again acknowledged an assumed 20' wide subsurface easement; and

**WHEREAS**, Green Acres recognizes that another of RVRSA's sewer lines, the Jersey City Trunk Sewer which runs through Canal Park roughly parallel to the RVRSA line now in need of repair, was installed in the early 1900s, well before Green Acres' encumbrance; and

**WHEREAS**, by email dated July 11, 2022 from NJDEP, Office of Transactions and Public Land Administration, a copy of which is attached to this Agreement, a comprehensive history of the Green Acres encumbrances in Canal Side Park is explained and states, in relevant part: "Because we did not flag the correct date of the Green Acres encumbrance sooner, we are not looking to disturb the 2019 or 2020 agreements or require a diversion for the original installation of the line. However, moving forward, we must conform our decisions to what we now know to be the correct property history of the park."; and

**WHEREAS**, the RVRSA proposes to work in two locations in Boonton related to its interceptor sewer system. Site 1 is located in Canal Side Park within the Town of Boonton. At this location, RVRSA proposes to construct new below grade piping around its existing Siphon Inlet Chamber along with associated valving and below grade appurtenances to facilitate bypass of sewage flow around the Siphon Inlet Chamber. Portions of the bypass piping will be permanent features below grade. Specifically, the piping connections and tapping valves along RVRSA's 24" Siphon Pipes immediately downstream of the siphon chamber. An additional permanent feature will be about 50 LF of 30" diameter PVC piping that will be installed between RVRSA Manhole B-11A and the siphon barrels. The connection in this manner will allow for

flow to be bypassed without routing overland piping outside of the park and through the Town of Boonton. Once the flow is bypassed, RVRSA proposes to rehabilitate its Siphon Inlet Chamber by demolishing its existing concrete top slab and other internal metal components, rehabilitating the structural concrete, installing a protective lining on the rehabilitated concrete, construction of a new concrete top slab upon which new odor control unit equipment will be installed. A new power feed will be installed below ground to the chamber area for powering the Odor Control equipment and a new pole mounted site light. The existing fence around the chamber will be replaced. Land areas disturbed will be restored. At Site 2, which is located in "Pocket Park" also located in the Town of Boonton, RVRSA proposes to demolish and remove its existing Siphon Outlet Chamber, downstream of Manhole B-10, and remove approximately 141 LF of existing 48" diameter deteriorated RCP sewer. The work includes the replacement of these same facilities with a new precast concrete siphon outlet chamber, approximately 141 LF of new 48" diameter CCFRPM pipe and a custom CCFRPM pipe fitting with a new FRP manhole riser and appurtenances (the "Project") which will require, inter alia, a temporary construction area consisting of the entirety of the Pocket Park. To temporarily bypass flow around the Siphon Outlet Chamber and piping in Washington Street a temporary by-pass pumping system is proposed to be utilized by making two piping connections immediately outside of the Siphon Cleanout Chamber No. 4 that is located behind the RVRSA Monroe Street Pumping Station and route the flow into the existing emergency bypass piping that exists at Monroe Street Pumping Station and also a temporary overland pipe that will be directed to RVRSA Interceptor Manhole B-8 so that there is a "siphon extension" means of bypassing of sewage flow during the replacement of the Boonton Siphon outlet and 141-feet of pipe across Washington Street ("Temporary Construction Areas"). A very minor scope also included in this project is to replace the underdrains within the Siphon Cleanout Chamber No. 4 that is located behind the Monroe Street Pump Station and also to extend odor control piping not previously installed under RVRSA's Contract 38 that needs to finish its previously approved routing from the existing retaining wall located at the rear of Pocket Park to the new Siphon Outlet Chamber; and

**WHEREAS**, a 3.6-acre portion of Canal Side Park is encumbered as funded parkland by the NJDEP Green Acres Program; and

**WHEREAS**, the remainder of Canal Side Park and the entirety of Pocket park are encumbered as unfunded parkland by the NJDEP Green Acres Program; and

**WHEREAS**, pursuant to *N.J.A.C. 7:36-25.2(d)6*, said lines are within an assumed subsurface utility easement of ten (10) feet on either side of the centerline of the existing sewage line (which includes two (2) siphon outlet chambers); and

**WHEREAS**, to bypass flow around the Boonton siphon and Washington Street section of pipe to be replaced, the aforementioned siphon extension bypass piping and appurtenances will be installed to provide a gravity fed bypass solution and minimal use of pumping as the means of bypass; and

**WHEREAS**, work done to the sewerage lines and ancillary facilities within the assumed easement does not constitute a diversion of parkland according to *N.J.A.C. 7:36-25.2(d)6*, but

any use of parkland for sewerage system improvements is subject to Green Acres regulations governing the non-recreation/conservation use of parkland under *N.J.A.C. 7:36-25.14*; and

**WHEREAS**, subject to the approval of the attached Amended Agreement by the Town of Boonton, the RVRSA desires to enter into the attached Amended Temporary Construction Agreement for the Town of Boonton Pocket and Canal Side Parks in order to perform necessary sewerage infrastructure construction.

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

1. Subject to the approval of the attached Agreement by the Town of Boonton, the Executive Director is hereby authorized and directed to execute the "Amended Temporary Construction Agreement for the Town of Boonton Pocket and Canal Side Parks" in substantially the same form and content as set forth on Schedule A.

2. This Resolution shall take effect immediately.

#### CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on this **8th day of December, 2022.**

On motion of: Commissioner Corbett  
Second by: Commissioner Guadagno

**ROLL CALL VOTE:**

YEAS: (7) Andes, Cegelka, Corbett, Guadagno, Howarth, Isselin and Lavery.

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (3) Farrell, Schorno and Zuppa.



Michael Guadagno  
Board Secretary

**Schedule A**

**Amended Temporary Construction Agreement for the Town of Boonton Pocket and  
Canal Side Parks**