

Linden Roselle Sewerage Authority

**SPECIAL MEETING
AND
PUBLIC HEARING**

October 7, 2019

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LINDEN ROSELLE SEWERAGE AUTHORITY

Special Meeting and Public Hearing

October 7, 2019 - 12:00 PM

AGENDA

At 12:00 PM Chairman reads the Open Public Meeting Announcement.

Roll Call.

Recognition of Visitors.

Motion to adopt Executive Session Resolution #08E-19 to close the meeting to the public.

Business Agenda

1. Resolution #81-19 Award of a Contract for the Disposal and Beneficial Reuse of Bio Solids. (Public Hearing)
2. Other matters as may come before the Members.

Motion to adjourn

THE LINDEN ROSELLE SEWERAGE AUTHORITY

The minutes of the Special meeting and Public Hearing held on Monday, October 7, 2019 at 12:08 P.M. in the office of the Linden Roselle Sewerage Authority.

Chairman Strano announced that the Public Notice of time and date of the Public Meeting has been duly executed in accordance with the Open Public Meeting Act, P.L., 1975, Ch. 231, notification being mailed 9/26/19 to the Local Source, Star Ledger, Home News Tribune, and to the municipal clerks of Linden and Roselle for posting in a public place.

Present: Ralph Strano, Chairman; Edward Mikolajczyk, Treasurer; Derek Armstead, Secretary; Mr. Moore, Alternate Member; via conference call; Jamel Holley, Vice-Chairman and Reginald Atkins, Alternate Member;

Attending: David G. Brown, Executive Director; Sean McGowan, Authority's Attorney; Thomas Laustsen, CDM Smith

Visitors: Aries representatives: Mark Witt, CFO; Chris Kidd and Robert Burke;

Chairman stated that the reason for this Special Meeting and Public Hearing is to vote on the Resolution #81-19 Award of a Contract for the Disposal and Beneficial Reuse of Bio Solids.

The Executive Director stated that the Authority desirous of executing a 5 year contract with a vendor for the processing and disposal of its treated sludge and scum that will provide the recycling or beneficial use. According to N.J.S.A. 40A:11-5(5), the Authority sought guidance from the New Jersey of Community Affairs' Division of Local Government Services before issuing a request for proposals to enter into a contract with a vendor for the processing and disposal of its treated sludge and scum. Further the Executive Director said that on September 20, 2019 the Authority issued a Request for Proposals and the RFP's were evaluated of five criteria including the economic proposal, the financial qualifications of the respondent, the technical approach to be used by the respondent, the beneficial use of the sludge and the economic benefits to the LRSA's service area. On September 30, 2019 the Authority received proposals from three different respondents; Aries, Russell Reid and Spectraserv. The Authority evaluated the proposals and after evaluation the LRSA requested best and final offer of each of the respondents. LRSA's proposal evaluators issued a Memorandum to the Board of Commissioners setting forth its recommendation that the Board award a contract to Aries because the Proposal submitted by Aries Clean Energy LLC best met the requirements and criteria of the RFP since the Proposal had the most beneficial use and economic benefit to the ratepayers of the Authority, and when factoring in the economic benefits to the service area of the Authority it had the lowest cost to be incurred by the LRSA and therefore the vest value to the LRSA and best use of the LRSA's treated sludge and scum.

Therefore, the Authority is recommending to award a five (5) year contract to Aries Clean Energy LLC for the processing and disposal of the LRSA's sludge and scum for beneficial use in the amount not to exceed \$9,997,969.82 and this is in accordance with Aries email dated 10/4/2019 with the unit price of \$784.00 per dry ton. At this point the Executive Director concluded his recommendation.

PUBLIC HEARING - Chairman open meeting to the public.

MOTION: Upon motion of Chairman, seconded by Mr. Armstead the Board unanimously approved to open the meeting for Public Hearing from the Public.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

There are no Public in attendance.

Chairman asked if there are any questions from attendees. None.

MOTION: Upon motion of Mr. Holley, seconded by Mr. Mikolajczyk the Board unanimously approved to close the meeting for Public Hearing.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Mikolajczyk the Board unanimously approved Resolution #81-19 to Award a contract to Aries Linden, LLC. to Process and Dispose of Sludge and Scum for Beneficial Use.

Mayor Armstead stated that he is glad to move forward with this project, of which they worked very hard and it is nice to see come to completion.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

The Executive Director stated that there is no other business.

ADJOURNMENT

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Mikolajczyk, the Special Board Meeting was adjourned at 12:17 P.M.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

THE LINDEN ROSELLE SEWERAGE AUTHORITY

RESOLUTION # 81-19

WHEREAS, the Linden Roselle Sewerage Authority (“LRSA” or “Authority”) is desirous of executing a five (5) year contract with a vendor for the processing and disposal of its treated sludge and scum that will provide for the recycling or beneficial use or of its sludge and scum; and

WHEREAS, N.J.S.A. 40A:11-5(1)(s) provides that a contract with a vendor may be negotiated and awarded without bidding and shall be awarded by resolution if the contract consists of the marketing of waste for recycling or beneficial reuse of the waste; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(5), the LRSA sought guidance from the New Jersey Department of Community Affairs’ Division of Local Government Services before issuing a request for proposals to enter into a contract with a vendor for the processing and disposal of its treated sludge and scum; and

WHEREAS, on September 20, 2019, the LRSA issued a Request for Proposals for Processing and Disposal of Sludge and Scum for Beneficial Use (the “RFP”); and

WHEREAS, the RFP provided that any proposals received in response to the RFP will be evaluated on five criteria including the economic proposal, the financial qualifications of the respondent, the technical approach to be used by the respondent, the beneficial use of the sludge and the economic benefits to the LRSA’s service area; and

WHEREAS, on or before the submission due date for the proposals of September 30, 2019, the LRSA received response proposals (the “Proposals”) from three (3) different respondents, with copies of the Proposals annexed hereto as Exhibit A, and

WHEREAS, the LRSA evaluated the Proposals and after evaluation requested best and final offers from each of the respondents, copies of which are included in the Proposals set forth in Exhibit A; and

WHEREAS, the LRSA's proposal evaluators issued a Memorandum to the Board of Commissioners of the LRSA, which is annexed hereto as Exhibit B, setting forth its recommendation that the Board award a contract to Aries because the Proposal submitted by Aries Clean Energy LLC ("Aries") best met the requirements and criteria of the RFP since the Proposal had the most beneficial use and economic benefit to the ratepayers of the Authority, and when factoring in the economic benefits to the service area of the Authority it had the lowest cost to be incurred by the LRSA and therefore the best value to the LRSA and best use of the LRSA's treated sludge and scum; and

WHEREAS, on October 7, 2019, the LRSA held a public hearing for which notice was properly provided and advertised, and at which a presentation on and discussion of the Proposals was held;

WHEREAS, after evaluation and negotiation, the Board of the LRSA has decided that it is in the best interests of the LRSA and its rate payers that Aries be awarded a five (5) year contract for the processing and disposal of the LRSA's sludge and scum for beneficial use; and

WHEREAS, a draft contract entitled Disposal and the Recycling of Biosolids Agreement (the "Contract") in an amount not to exceed \$9,997,969.82 has been negotiated between the LRSA and Aries and is annexed hereto as Exhibit C; and

WHEREAS, the five (5) year Contract is subject to and contingent upon the Chief Finance Officer of the LRSA annually certifying that sufficient funds are appropriated in Account No. 01-215-6660 (Sludge Barging) in each future annual Authority Budget commencing in fiscal year 2021.

WHEREAS, the Contract has been reviewed by the LRSA's Executive Director, Superintendent, Consulting Engineer, Purchasing Manager and Legal Counsel and will properly obligate Aries to process and dispose of LRSA's sludge and scum.

NOW, THEREFORE, BE IT RESOLVED, the LRSA is to award a five (5) year contract to Aries for the processing and disposal of its sludge and scum for beneficial use, and the Contract is hereby approved substantially in the form attached hereto as Exhibit C, and the Chairman and Secretary are authorized to execute the same; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Aries and the LRSA are to comply with all Federal State laws regarding contracts including regulations set forth by the New Jersey Office of the State Comptroller ("OSC"), including notifying the OSC that the LRSA has entered into this Contract with Aries.

I certify the foregoing to be a true copy of a Resolution adopted by the Linden Roselle Sewerage Authority at a meeting held on October 7, 2019.


Derek Armstead, Secretary