

RESOLUTION # 23-114

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION TO ENTER INTO AGREEMENT WITH PASSAIC COUNTY FOR STORM
DRAIN CONNECTIONS AT 207 TOTOWA AVE, BLOCK #1401 LOT #1,
PATERSON, NEW JERSEY**

DATE OF ADOPTION: JULY 26, 2023

Introduced by Commissioner: **RON VAN RENSALIER**

Seconded by Commissioner: **CARMEN DEPADUA**

WHEREAS, The Passaic Valley Water Commission ("PVWC") desires to enter into an agreement with the County of Passaic (herein, the "County") to enable PVWC to connect a pressure relief discharge pipe and new inlet structure within Totowa Avenue over Molly Ann Brook in Paterson, New Jersey; and

WHEREAS, the construction of a new pressure relief valve on the Commission's 51-inch steel transmission main will be performed by Grade Construction under the Commission's ongoing Contract No. 22-B-7 entitled, "Water Transmission Main Improvement to the Industrial Loop"; and

WHEREAS, the installation of pressure relief will mitigate against possible pressure surges during construction of the new Levine Tanks; and

WHEREAS, PVWC has agreed to defray the entire cost of this connection, together with any costs to the County for any replacements or repairs to any County asset affected by said Project; and

WHEREAS, PVWC's legal right to occupy the rights-of-way in which the Facilities are located is hereby acknowledged by the County and PVWC, subject to the conditions in which the Facilities are located, and subject to the conditions imposed by the County, pursuant to the Agreement, which right is in no way mitigated by the Agreement; and

WHEREAS, PVWC submitted an Application for Storm Drain Connection Permit (PVWC's Application) to the Deputy Passaic County Engineer which application included PVWC's plan for providing the proposed connection to the existing storm drain required to mitigate for pressure surges, and which PVWC has agreed to furnish and install under the supervision of the Office of the Passaic County Engineer, and a copy of PVWC's Application and copies of the County's correspondence dated April 21, 2023, is attached hereto and made a part hereof and included in **Exhibit A**; and

WHEREAS, the Passaic County Engineer has approved PVWC's Application and has recommended that permission be granted by the County for PVWC to provide the proposed connection to the existing storm drain in accordance with PVWC's Application, along with a form of shared services agreement (the "Agreement") is attached hereto and made a part hereof as **Exhibit B**; and

WHEREAS, the Agreement has been reviewed by the Director of Engineering and is recommended for acceptance; and

WHEREAS, it is in the best interests of PVWC, its users and constituent municipalities for PVWC to enter into the Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Passaic Valley Water Commission, in the County of Passaic, New Jersey:

- 1. That the Agreement with Passaic County for the County to enable PVWC to conduct all Work as described hereinabove is hereby authorized and approved.
- 2. That appropriate officers of PVWC are hereby authorized and directed to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution and the submissions provided in connection therewith, all as set forth hereinabove.
- 3. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution and Agreement shall be placed on file and made available for public inspection at the office of the Administrative Secretary of PVWC.

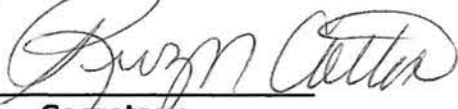
RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
SANCHEZ, R.	<u>X</u>	—	—	—
COTTON, R.	—	—	—	<u>X</u>
DEPADUA, C.	<u>X</u>	—	—	—
KOLODZIEJ, J.	<u>X</u>	—	—	—
LEVINE, J.	<u>X</u>	—	—	—
VAN RENSALIER, R.	<u>X</u>	—	—	—
FRIEND, G.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.



President
GERALD FRIEND

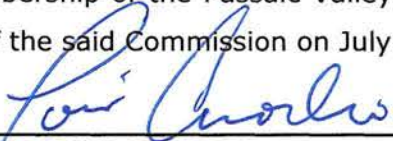


Secretary
RUBY N. COTTON

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on July 26, 2023.



LOUIS AMODIO
Administrative Secretary

EXHIBIT A



County of Passaic

Administration Building

401 Grand Street • Paterson, New Jersey 07505-2023

OFFICE OF THE COUNTY ENGINEER
ROOM 524

Jonathan C. Pera, P.E.
County Engineer

TEL: (973) 881-4456
FAX: (973) 742-3936
TDD: (973) 279-9786

MEMORANDUM

Date: April 21, 2023

To: Nadege Allwaters, Esq.
County Counsel

From: Muhammed S. Assal, P.E.
Principal Engineer

RE: Totowa Avenue over Molly Ann Brook
City of Paterson
Storm Drain Connection Permit Application

This Office has received a Storm Drain Connection Application submitted by the applicant to install a pressure relief discharge pipe and new inlet structure within Totowa Avenue over Molly Ann Brook.

APPLICANT:

Patrick Porcaro
Passaic Valley Water Commission
1525 Main Avenue
Clifton, NJ, 07011

DESCRIPTION OF PROPOSED WORK:

In connection with the plans entitled "Water Transmission Main Improvements to the Industrial Loop – Proposed Conditions Plan Totowa Avenue" Drawing No. C-5 originally dated 2-2022 and signed 4-10-2023; "Water Transmission Main Improvements to Industrial Loop – Totowa Avenue Detail Sheet" Drawing No. D-4 originally dated 2-2022 and signed 4-21-2023, as prepared by Remington & Vernick Engineers. The Applicant will remove an existing inlet structure and construct a new larger structure at the same location and tie in a pressure relief discharge pipe to the new structure within Totowa Avenue.

DIVISION DETERMINATION:

The proposed drainage system modifications and improvements being applied for in the attached Application have been reviewed by this Office and will pose **NO** adverse effect upon the County of Passaic's Storm Drain System.

CONDITIONS OF APPROVAL:

1. The applicant will construct, at their own expense, all improvements proposed including but not limited to the new inlet structure, pressure relief discharge pipe, chamber and all necessary restoration within the County's right-of-way. The applicant will supply all materials, labor and equipment to perform said work described and indicated on the submitted construction plans.
2. The applicant agrees to maintain, replace, and repair, when necessary, the constructed system with his own forces and at his own expense.
3. The applicant contractor shall obtain the required associated Highway Opening and Use Permits, pay the prevailing fees, and post the required bonds and insurance with the Passaic County Road Department, prior to commencing work.
4. The applicant and the contractor agrees to perform the work within the County Roadway only between the period from April 1st to November 15th of any calendar year during allowable working hours on Monday thru Friday, County of Passaic Holidays excluded.
5. Any associated Highway Opening and Use Permits will not be issued for the Storm Drain Connection work as hereby requested, unless the applicant has been issued approval of the Storm Drain Connection Permit.
6. If any curb is to be removed, replaced, or installed, it should be noted on the Highway Opening and Use Permit application.
7. Issuance of a storm drain connection permit to the applicant does not permit the applicant, developer or contractor to perform any blasting work within the Passaic County right-of-way. If blasting permission is sought, the party to perform the work shall adhere to the procedures and requirements as required in the Passaic County Board of Chosen Freeholder Resolution dated October 1, 1986: which established a policy on blasting within the County rights-of-way, easements, and property.
8. The applicant agrees to assume all responsibilities for all necessary NJDEP permitting in perpetuity for the connection of the pressure relief discharge pipe at Totowa Ave over Molly Ann Brook.
9. The applicant agrees to relocate the pressure relief discharge pipe in the future should it conflict with any proposed County Improvements.
10. The applicant agrees to assume all responsibilities for the work and for any damage or injury which may result from this installation and during the maintenance thereof. Our office recommends the issuance of a Storm Drain Connection Permit for the above-mentioned work, subject to the conditions listed in the application and per the standard agreement.

PREPARED BY:



Muhammed S. Assal, P.E.
Principal Engineer

Enclosures

cc: Jonathan Pera, PE, County Engineer

2023.04.21_Allwaters_Storm Sewer Connection_Totowa Avenue Over Molly Ann Brook, Paterson



**County of Passaic
Administration Building**

401 Grand Street • Paterson, New Jersey 07505-2023

OFFICE OF THE COUNTY ENGINEER

Room 524

TEL: (973) 881-4456

FAX: (973) 742-3936

TDD: (973) 279-9786

roadpermits@passaiccountynj.org

**STORM DRAIN CONNECTION PERMIT APPLICATION
PLEASE ALLOW 15 BUSINESS DAYS FOR PROCESSING**

DATE: March 27, 2023

Completed Applications and Enclosures shall be forwarded to:

County of Passaic
Office of the County Engineer
Passaic County Administration Building
401 Grand Street, Room 524
Paterson, NJ 07505

Gentlemen:

I, the undersigned, Patrick Porcaro

(Print Name)

Acting as (Owner, Partner or Authorized Corporate Official by a Resolution adopted by the Company's Board of Directors) of

Passaic Valley Water Commission

(Company Name)

Partnership



Corporation

Or the Owner of a private residence

Hereby submit formal application to the Board of Chosen Freeholders of the County of Passaic to grant approval to (me, us) to connect (my, our) storm drain into the existing County of Passaic storm drain system within

Totowa Avenue

(Print Name of County Road)

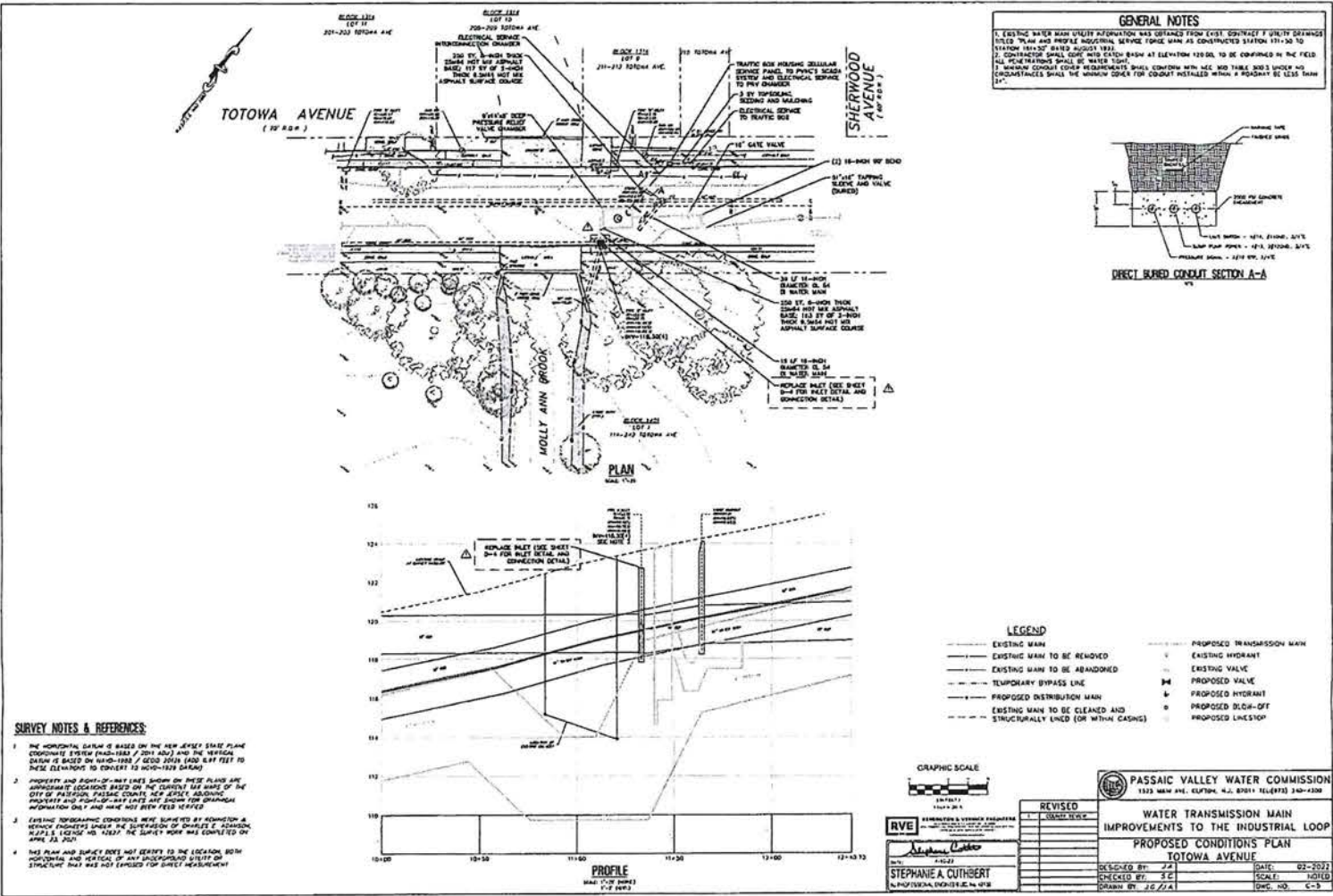
In the Municipality of PATERSON

(Print Name)

If such request is approved, (I, we) as the applicant will agree to the following terms and conditions (where applicable):

1. The applicant will construct, at this own expense, the entire proposed drainage system on his site, and also, the necessary extensions and connections into the County's system within the County's right-of-way. The applicant will supply all materials, labor and equipment to perform said work described and indicated on the submitted construction plans.
2. The applicant agrees to maintain, replace, and repair, when necessary, the constructed system with his own forces and at his own expense.
3. The applicant contractor shall obtain the required associated Highway Opening and Use Permits, pay the prevailing fees, and post the required bonds and insurance with the Passaic County Road Department, prior to commencing work.

FORM: ENG-STORMDRAINCONNECT



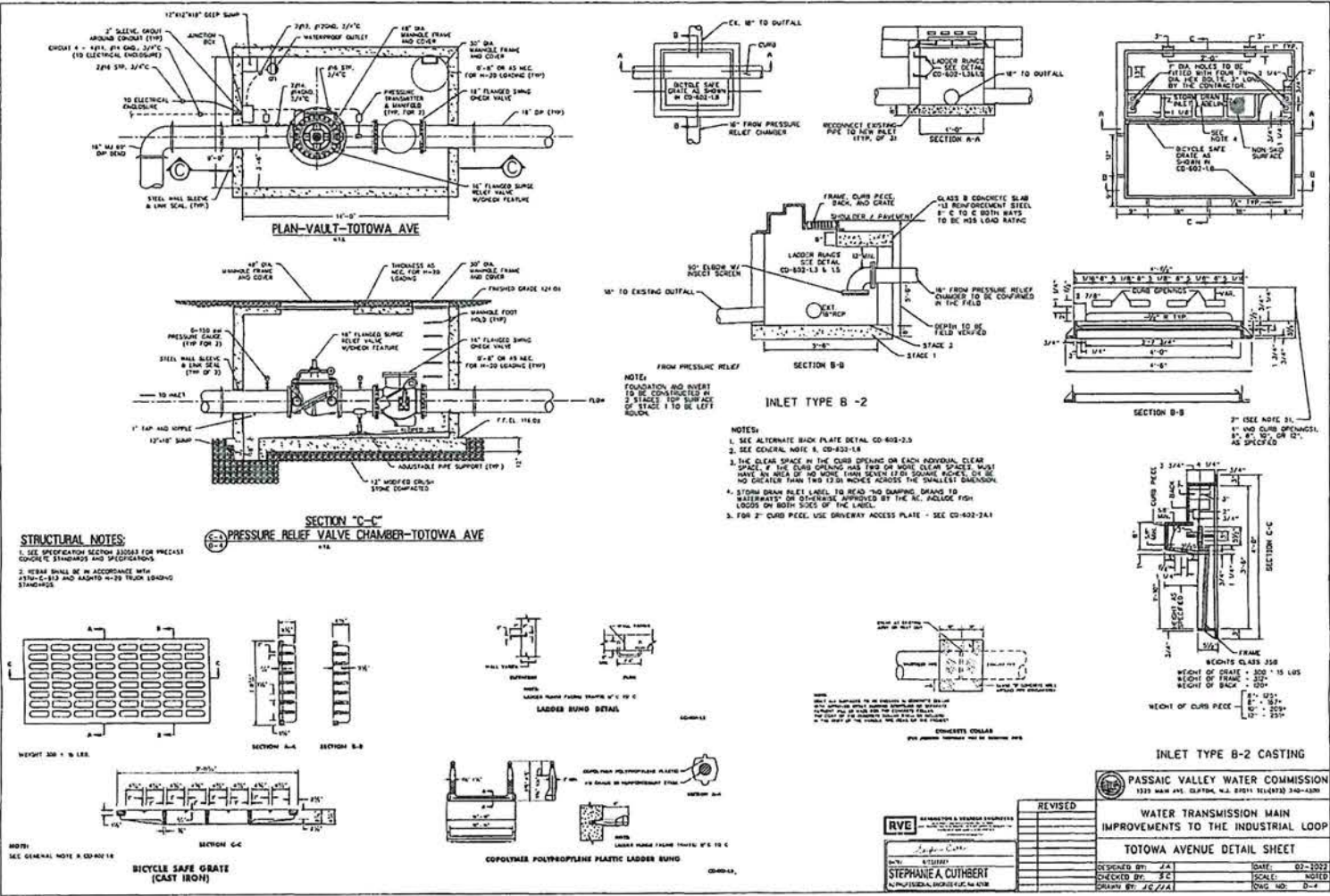


EXHIBIT B

STORM DRAIN AGREEMENT

THIS AGREEMENT made this day of 2023 by and between the Passaic Valley Water Commission, whose mailing address is 1525 Main Avenue, Clifton, New Jersey 07011 (hereinafter "APPLICANT"), and the County of Passaic, (hereinafter "COUNTY"), a body politic of the State of New Jersey, 401 Grand Street, Paterson, New Jersey 07505;

W I T N E S S E T H:

WHEREAS, APPLICANT has applied for permission to install a pressure relief discharge pipe and new inlet structure within Totowa Avenue over Molly Ann Brook in Paterson, New Jersey; and

WHEREAS the APPLICANT has agreed to defray the entire cost of this connection, together with any costs to the COUNTY for any replacements or repairs, and has submitted a plan to the Office of the Passaic County Engineer for said work, and has agreed to do said work under the supervision of the Office of the Passaic County Engineer; and

WHEREAS the County Engineer has approved the application and recommends that permission be granted for the proposed drainage system improvements (**see attached memorandum dated April 21, 2023**) which sets forth additional terms and conditions of this agreement; and

NOW, THEREFORE, in consideration of these promises and of the mutual covenants herein set forth, the COUNTY does hereby grant permission to the APPLICANT to remove an existing inlet structure and construct a new larger precast concrete inlet structure at the same location and tie in a pressure relief discharge pipe to the new structure within Totowa Avenue, subject to the following conditions:

1. The APPLICANT will construct, at their own expense, all improvements proposed including but not limited to the new inlet structure, pressure relief discharge pipe, chamber and all necessary restoration within the County's right-of-way. The APPLICANT will supply all materials, labor and equipment to perform said work described and indicated on the submitted construction plans.

2. The APPLICANT agrees to maintain, replace, and repair when necessary, the constructed system with his own forces and at his own expense.

3. The APPLICANT contractor shall obtain the required associated Highway Opening and use Permits, pay the prevailing fees, and post the required bonds and insurance with the Passaic County Road Department, prior to commencing work.

4. The APPLICANT and the contractor agrees to perform the work within the County Roadway only between the period from April 1st to November 15th of any calendar year during allowable working hours on Monday thru Friday, County of Passaic Holidays excluded.

5. Any associated Highway Opening and Use Permits will not be issued for the Storm Drain Connection work as hereby requested, unless the APPLICANT has been issued approval of the Storm Drain Connection Permits.

6. If any curb is to be removed, replaced or installed, it should be noted on the Highway Opening and Use Permit application.

7. Issuance of a Storm Drain Connection Permit to the APPLICANT does not permit the APPLICANT, developer or contractor to perform any blasting work within the Passaic County right-of-way. If blasting permission is sought, the party to perform the work shall adhere to the procedures and requirements as required in the Passaic County Board of Commissioners Resolution dated October 1, 1986: which established a policy on blasting within the County rights-of-way, easements and property.

8. The APPLICANT agrees to assume all responsibilities for all necessary NJDEP permitting in perpetuity for the connection of the pressure relief discharge pipe at Totowa Avenue over Molly Ann Brook.

9. The APPLICANT agrees to relocate the pressure relief discharge pipe in the future should it conflict with any proposed County improvements.

10. The APPLICANT agrees to assume all responsibilities for the work and for any damage or injury which may result from this installation and during the maintenance thereof.

11. All work under this agreement SHALL BE INSPECTED BY THE COUNTY ENGINEER or his duly authorized representative. The contractor shall notify the County Engineer no less than seventy-two (72) hours prior to the start of the work so that the County Engineer may schedule the necessary inspection of the work. The contractor shall provide the access, observation, and inspection of the work accordingly. If any work is covered prior to the inspection, it shall be uncovered for observation, and inspection by the inspector at the contractor's own expense.

12. This agreement shall be binding upon the APPLICANT, his heirs, executor, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first above written.

WITNESS OR ATTEST:

PASSAIC VALLEY WATER
COMMISSION

GERALD FRIEND
President

ATTEST:

COUNTY OF PASSAIC

Louis E. Imhof, III, Clerk
Board of County Commissioners

Pasquale Lepore, Director
Board of County Commissioners

Nadege D. Allwaters, Esq.
Passaic County Counsel.

LC