

**WARREN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION NO. 14-17**

**RESOLUTION APPROVING COST SUBSTANTIATION CERTIFICATE #375 SUBMITTED BY THE OPERATOR OF THE AUTHORITY'S WASTEWATER TREATMENT SYSTEM, APPLIED WATER MANAGEMENT, INC., FOR PAYMENT OF CERTAIN EXPENSES RELATED TO THE STAGE I/II PHOSPHOROUS REMOVAL STUDY PURSUANT TO ARTICLE IV OF THE WASTEWATER TREATMENT SYSTEM OPERATION AND MAINTENANCE AGREEMENT**

**WHEREAS**, Applied Water Management, Inc. ("AWM") operates the Authority's Wastewater Treatment System pursuant to the Wastewater Treatment System Operation and Maintenance Agreement between Warren Township Sewerage Authority and AWM, commencing June 1, 2009 (the "Agreement"); and

**WHEREAS**, Article IV, Section 4.8 of the Agreement provides that AWM shall be responsible for the cost of Routine Maintenance and Preventive Maintenance of the Wastewater Treatment System, but that the Authority shall be responsible for the costs associated with repairs, replacements, and non-Routine Maintenance provided that AWM follows the Cost Substantiation procedures set forth in the Agreement; and

**WHEREAS**, the Authority directed AWM to assist in conducting a study to ascertain the extent which the concentration of phosphorous could be reduced without requiring capital improvements so as to determine the feasibility of a phosphorus trading program, which study require the addition of chemicals to reduce phosphorus below that required by the NJPDES permit; and

**WHEREAS**, the costs incurred by AWM in obtaining the additional chemicals to conduct such a study are recoverable under the Agreement as non-routine costs authorized by the Authority in anticipation and mitigation of a possible Wastewater Treatment Modification due to Change in Law pursuant to Article V, Section 5.4 of the Agreement; and

**WHEREAS**, the Agreement provides that AWM submit a Cost Substantiation Certificate ("CSC") for any cost reasonably incurred or to be incurred by AWM which is chargeable in whole or in part to the Authority; and

**WHEREAS**, AWM has submitted an invoice from Coyne Chemical for \$1,796.25, and the applicable AWM 10% markup of \$179.63, for a total of \$1,975.88; and

**WHEREAS**, AWM has submitted CSC #375 for expenses related to the Stage I/II phosphorous study, the above-referenced invoice and the applicable ten (10%) percent markup on said invoice for a total cost of \$1,975.88 to the Authority; and

**WHEREAS**, this item of work is not included on the pre-approved list submitted by AWM for this Contract Year, but the Authority agrees that this additional work is a necessary item of non-Routine Maintenance in anticipation and mitigation of a possible Wastewater Treatment Modification due to Change in Law pursuant to Article V, Section 5.4 of the Agreement; and

**WHEREAS**, payment to AWM shall be from the Authority's Operating Account; and

**WHEREAS**, the Authority has reviewed CSC #375, dated January 17, 2014 in the amount of \$1,975.88, and is satisfied that the amount is fair and reasonable, and that the Authority desires to approve CSC #375.

**NOW, THEREFORE, BE IT RESOLVED**, by the Warren Township Sewerage Authority in the County of Somerset, New Jersey that:

1. CSC #375, signed in the amount of \$1,975.88, for the costs associated with the Stage I/II phosphorous removal study, be and hereby is approved, conditioned upon receipt of a

business registration certificate from AWM for every subcontractor that performed work on the project, unless such certificate is already on file with the Authority.


2. Payment to AWM shall be from the Authority's Operating Account.

Moved by Mr. Reeder  
Seconded by Mr. Mosquera

Roll Call Vote	Yes	No
Mr. Truglio	x_____	_____
Mr. Mosquera	x_____	_____
Ms. Garafola	_____	_____
Mr. Vetter	x_____	_____
Mr. Reeder	x_____	_____
Mr. Checchio (Alt 1)	x_____	_____
Mr. Paoella (Alt 2)	x_____	_____

**CERTIFICATION**

I, Deborah Catapano, Secretary of the Warren Township Sewerage Authority in the County of Somerset, New Jersey, do hereby certify that the above resolution is a true and correct copy of a resolution adopted at a meeting of the Warren Township Sewerage Authority on February 19, 2014.

  
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Deborah Catapano, Authority Secretary