

**RESOLUTION: 111-12**

**RESOLUTION AMENDING RESOLUTION 65-12 AUTHORIZING  
AGREEMENT FOR CERTAIN PROFESSIONAL SERVICES ADOPTED  
BY THE BOROUGH OF CLAYTON**

*WHEREAS*, there exists a need for specialized services on behalf of the Borough of Clayton; and

*WHEREAS*, funds are or will be available for this purpose; and

*WHEREAS*, the Local Public Contracts Law, N.J.S.A. 40A:11-1 requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey as follows:

1. That Sickels & Associates, Inc., of Woodbury, New Jersey is hereby hired to provide engineering services for Environmental Infrastructure Trust Funding Assistance – Proposal No. 2012-17a, for the Borough of Clayton in an amount not to exceed \$3,500.00.
2. The term of this contract shall be from February 9, 2012 to February 8, 2013.
3. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-11-5(1)(a), and the Fair and Open Process because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough of Clayton.
5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in The Sentinel or Gloucester County Times.
6. The Mayor and Clerk of the Borough of Clayton are hereby authorized to execute a Contract outlining the above on behalf of the Borough of Clayton.

**ADOPTED** at a meeting of the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey on May 10, 2012.

BOROUGH OF CLAYTON



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THOMAS BIANCO, Mayor

Attest:



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CHRISTINE NEWCOMB, Borough Clerk

**CERTIFICATE OF AVAILABILITY OF FUNDS**

From: Donna Nestore, Chief Financial Officer, Borough of Clayton

To: Mayor and Council, Borough of Clayton

Re: Sickels & Associates, Inc. – Proposal 2012-17A

AMOUNT OF CONTRACT: \$3500.00

Any expenditures required for the above referred contract are properly chargeable to Bond Ordinance 15-10.

I hereby certify that, as of this date, adequate funds have been appropriated in said line and are available to satisfy the expenditure required for the above referenced contract.

  
DONNA NESTORE  
Chief Financial Officer  
Borough of Clayton

Dated: May 10, 2012

May 7, 2012

Borough of Clayton  
125 North Delsea Drive  
Clayton, NJ 08312

Attn: Susan Miller, Administrator

**RE: PROPOSAL FOR ENVIRONMENTAL INFRASTRUCTURE  
TRUST FUNDING ASSISTANCE  
RESPONSE TO NJDEP FOR FUNDING APPROVAL  
WATER SYSTEM IMPROVEMENTS - NEW ELEVATED WATER  
STORAGE TANK  
S&A PROPOSAL NO. 2012-17A**

Dear Mrs. Miller:

Sickels & Associates, Inc. (S&A) is pleased to present this addendum to our February 6, 2012 proposal for responding to the Department of Environmental Protection (NJDEP) for the Environmental Infrastructure Trust (EIT) funding. The Borough of Clayton is seeking NJDEP/EIT funding for the proposed 750,000 gallon Elevated Water Tank located at Little Ease Park. NJDEP has forwarded two (2) review letters dated March 30, 2012 and April 26, 2012. Copies of both letters are attached to this proposal for your review.

Our response, research and coordination time was not included in February 6, 2012 proposal. We estimate a total of \$3,500.00 to complete the response to NJDEP:

- Letter dated 3-30-12: coordination with the Borough, collect various pieces of information, revise draft engineering agreement and prepare response letter. \$2,131.25
- Letter dated 4-26-12: coordination with Borough, NJDEP and Kathy Stuart and prepare response to NJDEP. Item #1 requires immediate attention to clarify program eligibility. \$1,368.75

Page 2  
May 7, 2012

**RE: PROPOSAL FOR ENVIRONMENTAL INFRASTRUCTURE  
TRUST FUNDING ASSISTANCE  
RESPONSE TO NJDEP FOR FUNDING APPROVAL  
WATER SYSTEM IMPROVEMENTS -- NEW ELEVATED WATER  
STORAGE TANK  
S&A PROPOSAL NO. 2012-17A**

Sickels & Associates is prepared to commence work immediately upon receipt of authorization to proceed. The same Terms and Conditions and Annual Fee Schedule from our February 6, 2012 proposal apply to this proposal. This proposal assumes that said authorization will be issued within seven (7) business days from the date of this proposal due to the impending DEP/EIT deadline.

We have enclosed two (2) signed copies of this proposal. If you concur with our Description of Services and Consulting Fee, please execute one copy as our formal authorization to proceed and return same to our office.

We would like to thank you for the opportunity to offer the services of our firm and we look forward to working with you on this venture. If you have any questions regarding this matter, please contact our office at (856) 848-6800.

Very truly yours,

SICKELS & ASSOCIATES, INC.



Patricia A. Owens  
Secretary & Treasurer

cc: Christine Newcomb, Clerk  
Donna Nestore, CFO

File: 2012-17A

**PROPOSAL ACCEPTANCE & NOTICE TO PROCEED**

Having reviewed the proposal for the various planning, surveying and engineering services, including the Terms and Conditions of the Service Agreement, and all sections relating to payment for services, which is a part thereof, acceptance of the proposal is hereby confirmed by the signature below. Sickels & Associates, Inc. is authorized to proceed with the work.

Accepted this 10th day of May, 2012.

By:



SIGNATURE

Mayor

TITLE

Thomas Bianco  
NAME (PLEASE PRINT OR TYPE)

Borough of Clayton  
COMPANY

ADDRESS

PHONE NO.

FAX NO.

CLIENT'S E-MAIL ADDRESS



APR 4 2012

State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

EIM GUADAGNO  
Lt. Governor

Division of Water Quality  
Mail Code 401-031D  
Municipal Finance and Construction Element  
Bureau of Environmental and Engineering Reviews  
P.O. Box 420  
Trenton, NJ 08625-0425  
Tel. (609) 633-1170  
Fax (609) 633-8165

MAR 30 2012

Sue Miller, Administrator  
Clayton Borough  
125 North Delsea Drive  
Clayton, NJ 08312-1698

Subject: New Jersey Environmental Infrastructure Financing Program  
Project No. 0801001-001  
Construction of New 0.73MG Water Storage Tank  
Borough of Clayton  
Gloucester County  
Loan Application Comments

Dear Ms. Miller:

This office has reviewed the Financial Assistance Application for the above project. The following comments must be adequately addressed for the acceptance of the submitted Loan Application:

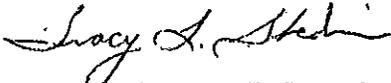
1. Please submit a certified copy of a resolution or letter by the applicant authorizing the Borough Administrator to file and sign the application on behalf of the Borough.
2. In the Contract Administration/Construction Observation of the Draft Engineering Agreement, please add the language review claims and change orders, and certification of project performance standards after one year of operation. In addition, cost shall be supported by documentation specifying the categories of service (tasks), manpower (title and rate pay) manpower projections (hrs. per task) and cost per task for each service. Please be advised that an executed Engineering Agreement is required before the Authorization to Advertise can be issued.
3. In the Disbursement Schedule, please revise to reflect May 2013 as the start for the 1<sup>st</sup> payment. From the Notice to Proceed, the payment amount should be monthly until the construction is completed which is 330 days based on the contract document.

Please add on the Project Milestone the Certification date which is one year after the initiation of operation of the completed project.

4. Please be advised that the SED Contract Document and Utilization Plan approval is required. To date, a submission has not been received by the DEP Office of Equal Opportunity, Contract Assistance & Environmental Equity. Staff from this office can be reached by calling (609) 984-9742.
5. Please provide any update on the application to USDA for additional funding for this project

If you have questions or comments, please contact Grace Christ, Project Manager, at (609) 633-1170.

Sincerely,



Tracy L. Shevlin, P.E., Supervisor  
Bureau of Environmental and Engineering Reviews

Enclosures

- C     Steven Weber, Sickels & Associates  
       Steve Betz, Acting Bureau Chief, BE&ER  
       Dawn Perry-Dunnam, BE&ER



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Water Quality  
Municipal Finance and Construction Element  
Bureau of Environmental and Engineering Reviews  
Mail Code 401-03D  
P O Box 420  
Trenton, NJ 08625-0420  
Tel. (609) 633-1170  
Fax (609) 633-8165

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

Sue Miller, Borough Administrator  
Borough of Clayton  
125 N. Delsea Drive  
Clayton, New Jersey 08312

APR 26 2012

Dear Ms. Miller:

Subject: New Jersey Environmental Infrastructure Financing Program  
Project No. 0801001-001  
Borough of Clayton  
Construction of New Elevated Water Storage Tank and  
Rehabilitation of Two Existing Water Storage Tanks  
Gloucester County, New Jersey

This office has reviewed the revised document entitled "Environmental Planning Report, Proposed Elevated Storage Tank, Water System Improvements, Phase 1, March 2012, C-100-1, Submitted To: New Jersey Department of Environmental Protection Drinking Water State Revolving Fund, Prepared For: Borough of Clayton, 125 N. Delsea Drive, Clayton, New Jersey 08312," prepared by Sickels & Associates, Inc., submitted for the above referenced project.

The revised environmental planning document referenced above is insufficient to satisfy the Level 2 environmental planning requirements as set forth in N.J.A.C. 7:22-10.5(b). The following comments must be addressed before the planning for the project can be approved.

1. It appears that the majority of the proposed elevated water storage tank is for growth or fire protection and would not be eligible for a Drinking Water State Revolving Fund (DWSRF) loan in accordance with Federal Safe Drinking Water Act

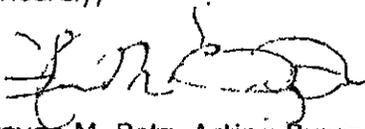
APR 30 2012

Regulations. Provide a clarification of the current need for the tank. Explain the portion of the tank that is designed for current need and the allowable growth up to the date of completion of the tank. Provide the costs applicable for this allowable portion of the project. Additionally, provide the reserve capacity (portion designed for growth) of the tank that could possibly be funded under the Environmental Infrastructure Trust market rate loan and not the DEP fund loan. Once this information is received, the Department can determine the program eligibility of the tank.

2. Provide an analysis of the entire Borough water service area. Identify existing population and current water supply demand by source. Determine the extent of development which could occur within the Borough water service area according to permitted zoning in developable areas. This should be represented as a number of dwelling units and population for residential areas and area coverage for commercial and industrial areas. Current and projected water supply demand shall be calculated in accordance with N.J.A.C. 7:10-11 or 7:10-12, as applicable. These figures must be presented in a table and used in calculating the maximum water supply demand projections that may be considered in planning environmental infrastructure facilities. All assumptions used in calculating water supply demand from units and coverage must be explained.
3. The Bureau of Environmental and Engineering Reviews letter dated January 5, 2012, advised that a public hearing must be conducted in accordance with N.J.A.C. 7:22-10.10 and notice of the public hearing was to be advertised by April 2, 2012. Confirm that a public hearing has been advertised and submit proof of advertisement. Please be advised that if a public hearing has not been advertised, it is recommended that you do so immediately to ensure issuance of the Level 2 Environmental Decision Document, which is required prior to project certification. Please note that the public participation process requires that the public be notified via a newspaper retail advertisement and planning documents be on repository for 30 days prior to the public hearing as per Level 2 environmental review public participation requirements. In addition, the EDD when issued will require an additional 30 day time period to receive any comments from interested parties or government agencies concerning the project.

If you have any questions concerning the above, please contact Dawn Perry-Dunnam of my staff at (609) 633-1170 or send written replies to Mail Code 401-03D, Division of Water Quality, 401 East State Street, P. O. Box 420, Trenton, New Jersey, 08625-0420.

Sincerely,



Steven M. Betz, Acting Bureau Chief  
Bureau of Environmental and Engineering Reviews

- c: Steven G. Weber, P.E., C.M.E., Sickels & Associates, Inc.
- David Zimmer, NJEIT
- Tracy Shevlin, SRFS, South
- Grace Christ, SRFS, South
- Josephine Craver, DWS
- Cregg Madrigal, ERS