

**TOWNSHIP OF UPPER DEERFIELD**

**RESOLUTION 10-108**

**AUTHORIZING EXECUTION OF MODIFIED OPERATING AGREEMENT  
BETWEEN WATER REMEDIATION TECHNOLOGY, LLC AND  
THE TOWNSHIP OF UPPER DEERFIELD**

**WHEREAS**, the Township of Upper Deerfield has previously entered into an agreement with Water Remediation Technology, LLC to provide services to the Township of Upper Deerfield in connection with the removal of radium from the Township's water supply system at its treatment and production well located at Love Lane; and

**WHEREAS**, such services are specialized involving the proprietary replacement of filter media, preparation of emergency action plans and compliance with regulatory requirements with respect to the handling of, installation of, removal, transport, and disposal of spent media containing radioactive materials; and

**WHEREAS**, the Township of Upper Deerfield has subsequently entered into an agreement to build a second radium removal and treatment plant at its well and treatment facilities located in Seabrook, New Jersey, and

**WHEREAS**, the Township is in need of services to install, remove, handle, transport, and dispose of radioactive materials at the Seabrook well and treatment plant; and

**WHEREAS**, such services are extraordinary and unspecifiable, requiring that the contractor be able to meet both federal and state regulatory requirements; and

**WHEREAS**, the water treatment and radium removal system being installed at the Seabrook Water Treatment Plant of the Township of Upper Deerfield is a proprietary system licensed by Water Remediation Technology, LLC; and

**WHEREAS**, the fabrication, construction, installation of that system was publicly bid and bids awarded for the construction of that system; and

**WHEREAS**, the Township Committee of the Township of Upper Deerfield is desirous of entering into an agreement to replace media filter, install media filter, remove spent media filter, transport it and dispose of it in accordance with federal and state regulations and requirements; and

**WHEREAS**, such services require specialized expertise and knowledge of radioactive materials, the handling, transport, and disposal of the same; and

**WHEREAS**, the contractor is required to have specialized knowledge with respect to a proprietary system for the removal of radium from public water supply systems created, marketed, and fabricated by Water Remediation Technology, LLC; and

**WHEREAS**, services with respect to the handling, installation, removal, transport, and disposal of radioactive spent media filter is a service which is highly specialized and peculiar to and specific to the operation of a proprietary water treatment system for the removal of radium manufactured by Water Remediation Technology; and

**WHEREAS**, the Township Committee of the Township of Upper Deerfield believes that the provision of such services is not only specified but constitutes extraordinary and unspecifiable services which would be exempt from the public bidding requirements of N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Township Committee of the Township of Upper Deerfield is desirous of entering into an agreement for the handling, installation, treatment, removal, transport, and disposal of radioactive spent media from the Love Lane water filtration and treatment plant and is now desirous of combining services for the removal of media filter, replacement of media filter, transport and disposal of the same for both the Love Lane and Seabrook Water Treatment Plants; and

**WHEREAS**, the Township Committee of the Township of Upper Deerfield has determined that the existing water treatment facilities at the Love Lane water filtration treatment plant are about to commence operation and no other provider of such services can capably and responsibly provide such services;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper Deerfield that the Township Committee of the Township of Upper Deerfield believes and has concluded that the award of a contract to Water Remediation Technology, LLC as the only qualified contractor to handle, install, remove, transport and dispose of spent radioactive media filter from both the Love Lane and the Seabrook Water Treatment Plants constitutes extraordinary unspecifiable services due to the proprietary nature of the system, Water Remediation Technology, LLC, specialized and propriety knowledge and information with respect to the operation of the treatment plant, safety requirements pertaining thereto, and its peculiar and specialized expertise in handling and disposing of radioactive materials requires that an award of a contract for services to Water Remediation Technology, LLC is exempt from the provisions of the Local Public Contracts Law in that such services are extraordinary and unspecifiable; and

**BE IT FURTHER RESOLVED** that a contract Water Remediation Technology, LLC, including basic provisions, Exhibit A attached thereto, Exhibit B concerning well water profile and related information, standard agreement terms together with Exhibit E attached to the standard terms be awarded and an agreement entered into between the Township of Upper Deerfield and Water Remediation Technology, LLC as an extraordinary unspecifiable contract exempt from the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Upper Deerfield that the award of this agreement for services is contingent and conditioned upon a contract being entered into in form satisfactory to the Township Solicitor of the Township of Upper Deerfield; and

**BE IT FURTHER RESOLVED** that this agreement is further conditioned upon the contractor completing Form CR 271 at least ten days prior to the execution of the contract and a certification of compliance with the provisions of Pay to Play, N.J.S.A. 9:44A-20.5, et seq.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Upper Deerfield that a copy of this Resolution shall remain on file with the Clerk of the Township of Upper Deerfield and available for public inspection and notice of the award of bid printed in the official newspaper of the Township of Upper Deerfield.

Moved By: John L. Daddario

Seconded By: John T. O'Neill, Sr.

VOTING

James P. Crilley  
John L. Daddario  
John T. O'Neill, Sr.  
Bruce T. Peterson  
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held May 20, 2010.

\_\_\_\_\_  
Roy J. Spoltore, Township Clerk