

355 North Avenue
Dunellen, NJ 08812

BOROUGH OF DUNELLEN
NEW JERSEY

Phone (732) 968-3033
Fax (732) 968-8605



3 October 2018

Lester Jones
Director—Health Officer
County of Middlesex
Department of Public Safety and Health
35 Kennedy Boulevard
East Brunswick, NJ 08816

Dear Mr. Jones,

Please find enclosed three signed copies of the Hazmat Cost Recovery Services Agreement, and a resolution approving same from the Dunellen Borough Council.

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William Robins', is written over a horizontal line.

William Robins, RMC
Dunellen Municipal Clerk

Ronald G. Rios
Freeholder Director

Charles E. Tomaro
Deputy Director

Kenneth Armwood
Charles Kenny
Leslie Koppel
Shanti Narra
Blanquita B. Valent
Freeholders

MIDDLESEX COUNTY • NJ

DEPARTMENT OF PUBLIC SAFETY & HEALTH

Office of Health Services

Shanti Narra
Chairperson,
Public Safety and Health

John Pulomena
County Administrator

Joseph W. Krisza
Department Head

Lester Jones
Director-Health Officer

September 17, 2018

Mr. William Robins
Business Administrator
Borough Of Dunellen
355 North Avenue
Dunellen, New Jersey 08812-1249

RE: Hazardous Materials Cost Recovery Agreement

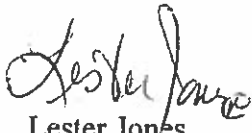
Dear Mr. Robins:

The Middlesex County Office of Health Services in conjunction with the Middlesex County Office of Emergency Management, Communications, and Preparedness continues to provide your municipality with the opportunity to participate in the Hazardous Materials Cost Recovery program.

The new three year Hazmat Cost Recovery Services Agreement for years 2019, 2020, and 2021, is attached for execution by your governing body. Please return three original executed copies of the agreement to my office so it may be adopted by the Board of Chosen Freeholders. Should you wish not to continue to participate in this program, please inform me in writing of your decision.

If you have any questions, please contact my office at 732-745-3131.

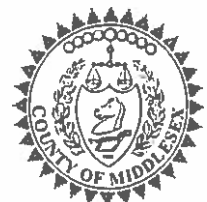
Sincerely,



Lester Jones
Director - Health Officer

LJ/pk
Enclosures

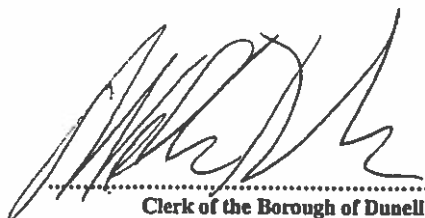
35 Kennedy Boulevard, East Brunswick, NJ 08816
TEL: 732-745-3100 | TTY: 732-745-8994
Fax: 732-745-2568
www.middlesexcountynj.gov



10-01-2018: #5

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

The Mayor and Municipal Clerk are hereby authorized to execute the Hazardous Materials Cost Recovery Interlocal Agreement between the Borough of Dunellen and the County of Middlesex. Said term of the agreement is three (3) years, beginning January 1, 2019 and expiring on December 31, 2021.

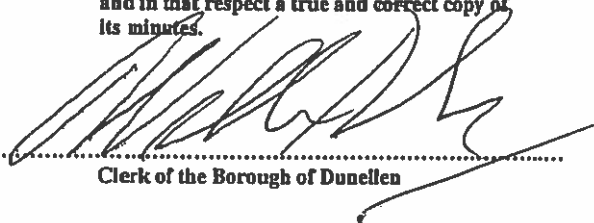

.....
Clerk of the Borough of Dunellen

Approved 10/1/18


.....
Mayor of the Borough of Dunellen

I certify the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Common Council of the Borough of Dunellen, held

10/1/18
.....
and in that respect a true and correct copy of its minutes.


.....
Clerk of the Borough of Dunellen

Hazardous Materials Cost Recovery Agreement

THIS CONTRACT, entered into this 1st day of January 2019 between the COUNTY OF MIDDLESEX, a municipal corporation in the State of New Jersey having its principle office at 75 Bayard Street, in the City of New Brunswick, County of Middlesex, the State of New Jersey, hereinafter referred to as the "County" and the TOWNSHIP OF DUNELLEN, having its principle offices at 355 North Avenue, Borough of Dunellen, County of Middlesex, State of New Jersey, hereinafter referred to as the "Municipality".

WHEREAS, The County of Middlesex adopted an Emergency Response Cost Recovery Ordinance No. 97-1143, on May 15, 1997, pursuant to the County Environmental Health Act N.J.S.A. 26:3A2-21 et. seq., and the Spill Compensation and Control Act N.J.S.A. 58:10-23 (11f.b and 11f.g) et. seq.; and

WHEREAS, said ordinance was approved by the Commissioner of the New Jersey Department of Environmental Protection on July 10, 1997, and

WHEREAS, said ordinance provides that the Middlesex County Office of Health Services shall be the lead agency for cost recovery purposes in conjunction with the Middlesex County Office of Emergency Management, Communications and Preparedness-Hazardous Materials Unit (hereinafter known as HAZMAT) and as delineated in N.J.S.A. 26:3A2-23(c), and

WHEREAS, it is necessary to establish a procedure and protocol for emergency response action and recovery of costs incurred by the County and/or the local municipality providing support in a hazardous materials incident; and

WHEREAS, the aforementioned statutes and ordinance allows municipalities to enter into a Uniform Shared Services Agreement under N.J.S.A. 40:65-1 et. seq.; and

WHEREAS, the Municipality is desirous of contracting with the County for the furnishing of environmental health services of a technical and professional nature by the County to the Municipality; and;

WHEREAS, the Municipality may be called upon to provide emergency services to support the County during a HAZMAT incident that occurs within the jurisdiction of the Municipality: and,

WHEREAS, the parties herein are authorized to enter into said agreement for said services pursuant to the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et. seq.; and,

WHEREAS, said agreement is in the best interest of both the County and the Municipality.

NOW THEREFORE, in consideration of the mutual promised, covenants, agreements, and other considerations between the parties, the parties do hereby mutually covenant and agree as follows:

1. The County shall provide N.J.D.E.P. certified programs within the territorial jurisdiction of the Municipality, to carry out the following Hazmat Emergency Response and Cost Recovery services.
2. Said services shall be conducted in accordance with the County Environmental Health Act, N.J.S.A. 26:3A2-21, the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H and the County Emergency Operating Plan.

3. The services provided herein shall be provided for a period of three years from the date of the full execution of this agreement.
4. This agreement will be terminated by either of the parties upon written notice by the party desiring to terminate said agreement. Such notice shall be given no later than 120 days prior to the termination date of said agreement.
5. The County shall assign an administrative fee of twenty percent (20%) to the total cost of the emergency response conducted by the County and/or municipality to recover the response costs from the designated responsible party of such a Hazmat event.
6. The County and Municipality further agree to abide by the following procedures:

Emergency Response:

- a. The State and/or certified local health agency designee may initiate and conduct a hazardous materials response action in response to a discharge of a hazardous substance that has occurred, is occurring, or threatens to occur within the jurisdictional boundaries of the County, in accordance with the provisions of the Uniform Shared Service Agreement between the County and the Municipality pursuant to N.J.S.A. 26:3A2-27, et. seq., which is incorporated here as a reference.
- b. The certified local health agency designee shall be the lead agency in conducting response actions and at the scene of a Hazardous Materials Incident, unless otherwise provided for in an inter-local services agreement that has been incorporated into the County's CEHA Work Agreement or the Middlesex County Emergency Operating Plan.
- c. In the event personnel from the Municipality respond to a Hazmat event, pursuant to such an inter-local agreement, and pursuant to the inclusion of such services within the Municipality's Emergency Operating Plan, the Municipality may submit a payment request to the Middlesex County Office of Emergency Management, Communications and Preparedness seeking payment from the responsible party for services provided.

Cost Recovery:

Middlesex County Office of Health Services, the certified health agency, may recover all costs as defined within the County Ordinance, including the twenty percent (20%) administrative fee to offset the increased costs of billing, processing, collecting payments and coordination of

insurance company questions related to the Unauthorized or Unpermitted Discharge of Hazardous Substances within Middlesex County in accordance with the following procedure:

1. It shall be the responsibility of the municipality to:
 - a. Identify a coordinator or person-in-charge for Hazmat emergency response cost recovery, i.e. Emergency Management Coordinator, Fire Chief, etc.
 - b. The designated local coordinator shall be the sole billing and contact point for all agencies and departments within the municipality and for contact with the Middlesex County (OEMCP).
 - c. The coordinator will be responsible for the following:
 - (1) Collection of billable manpower and equipment costs from the responding municipal departments and agencies.
 - (2) Preparation and submittal of a report to the Middlesex County OEMCP for review, validation, and processing.
 - (3) This report must contain the following information or it will be returned to the municipal point-of-contact for completion:
 - (a) The inclusive date(s) and time(s) of the discharge/spill.
 - (b) The New Jersey Department of Environmental Protection Case Number.
 - (c) Exact location of the discharge/spill
 - (d) Itemization of costs incurred by the authorized municipal agencies in responding to the discharge/spill, i.e. paid employee costs, vehicles, expendable supplies, damaged equipment, etc. Municipalities must use the Hazmat Emergency Cost Recovery Rate Schedule and hourly rates for all claimed employee response must be included.
 - (e) Completed copies of all local incident reports regarding the Hazmat emergency response (police, fire, EMS, public works, etc.) including the name and contact information of the Incident Commander for the discharge/spill event.
 - (f) Completion of the Middlesex County Hazmat Responsible Party Form that includes drivers license information, vehicle registration, insurance card information, and other pertinent documentation and

information that clearly identifies the responsible party of record for this incident.

(g) It is the responsibility of the municipality to follow the guidelines contained herein for billing of equipment, personnel, and expendable items as defined in the Cost Recovery Ordinance.

(h) The request for municipal Hazmat cost recovery must be submitted to the Middlesex County OEMCP for review and approval within ten (10) business days of the incident.

Guidelines for Processing Claims:

Middlesex County OEMCP Hazmat shall process claims as follows:

1. The incident report and supporting documentation will be reviewed by the Middlesex County OEMCP Hazmat Unit. Incomplete or inaccurate information will be returned to the Municipal Coordinator for correction.
2. Submittal of payments for recovery of costs shall be in accordance with the established Hazmat Emergency Response Cost Recovery Rate Schedule.
3. No submittals will be approved for volunteer manpower response to a Hazmat incident.
4. In the event that the Middlesex County OEMCP-Hazmat Unit responds to the emergency along with municipal forces, the Middlesex County Hazmat Unit shall be responsible for submitting its own recovery cost claim and attaching it to the municipal cost form for a single billing to the responsible party of record for the incident.
5. The Middlesex County OEMCP will submit the final cost recovery bill(s) to the responsible party via certified mail.
6. In the event that the responsible party would like to review the billing, this must be accomplished in writing within fourteen (14) working days of receipt of the billing. The Middlesex County OEMCP, the local coordinator, and the County's Environmental Prosecutor shall review these issues and make a final determination.
7. As elucidated in the County's Hazmat Cost Recovery Ordinance, the responsible party is responsible for submitting payment within forty five (45) working days of

receipt of the County's billing. Insurance claim information may be used to extend this payment period with the consent of the Middlesex County OEMCP.

8. If the responsible party has not submitted payment or insurance claim authorization within this time period, a Delinquent Account Notice will be sent and payment must be received within ten (10) working days of this certified mail notification.
9. If the responsible party has not submitted payment in response to the Delinquent Account Notice within the specified ten day period, the matter will be turned over to the County's Environmental Prosecutor for collection and appropriate legal actions.
10. If the recovery of municipal costs is denied or not recoverable, the County of Middlesex will notify the municipal coordinator and shall not be responsible for reimbursements/costs and shall be held harmless from any personal injury or damage to property or equipment of the Municipality, its employees, or property owners.
11. The New Jersey Department of Environmental Protection's Office of Local Environmental Management shall receive a copy of this Uniform Shared Services Agreement once it has been executed by both the municipality and the county.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by its proper officer, attested by its Clerk, and have affixed hereto its corporate seal.

ATTEST

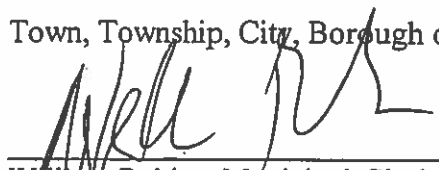
THE COUNTY OF MIDDLESEX

Amy R. Petrocelli, Clerk of the Board
Board of Chosen Freeholders


Ronald G. Rios, Freeholder Director
Board of Chosen Freeholders

ATTEST

Town, Township, City, Borough of Dunellen



William Robins, Municipal Clerk



Robert J. Seader, Mayor