



**COUNTY OF BERGEN**

ONE BERGEN COUNTY PLAZA  
HACKENSACK, NJ 07601

**Certified Copy**

**Resolution: 0237-24**

**Agenda: 3/6/2024**

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**Planning and Engineering**

**Meeting Date: 3/6/2024**

**Purpose: Shared Services Agreement Between County & Borough of East Rutherford for  
Intersection Improvements & Signalization at Hackensack Street & Union Avenue**

**Prepared By: JAF:sa**

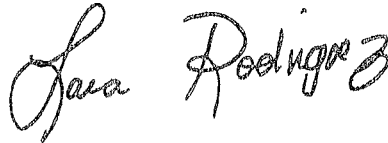
**Sponsored by the Body as a Whole that this Resolution be passed. The motion passed by the following  
vote:**

**Yes:** 6 - Chairwoman Ortiz, Vice Chairwoman Amoroso, Chairwoman Pro Tempore Voss,  
County Commissioner Marte, County Commissioner Tanelli, and County  
Commissioner Silna Zur

**Absent:** 1 - County Commissioner Sullivan

I, Lara Rodriguez, Clerk, Board of County Commissioners, certify that this is a true copy of Resolution  
No. 0237-24, passed by the BOARD OF COUNTY COMMISSIONERS on 3/6/2024.

**Attest:**



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**BERGEN COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION**

**WHEREAS**, an agreement is necessary to delineate the responsibilities of the County and the Borough of East Rutherford for the intersection improvement and signalization of Hackensack Street & Union Avenue; and

**NOW, THEREFORE, BE IT RESOLVED**, upon the recommendation of the Department of Planning & Engineering that the County of Bergen be and is hereby authorized to enter into an agreement with the Borough of East Rutherford with the following conditions:

**RESPONSIBILITIES:**

- a. **COUNTY OF BERGEN:** The County of Bergen is solely responsible for the performance and cost of the following:
1. Design the intersection layout including road alignment, lane configuration, traffic signal design, electrical plans, and signing and striping plans, in accordance with all applicable Federal, State and County guidelines. Consideration will be given to municipal input in the design process.
  2. Prepare the bid specifications for the intersection improvement project.
  3. Review and approve the final construction drawings, advertise for bids, award construction contracts, and make payments to the contractor.
  4. Undertake the construction and signalization of the intersection of Hackensack Street & Union Avenue in accordance with the design plans.
  5. Perform construction management and inspection.
  6. Upon project completion and acceptance of the intersection improvement project, maintain all traffic signs (other than parking signs) and pavement markings on the County road and Borough road approaches within the limits shown on the plan.
  7. Upon completion and acceptance of traffic signal, own, operate and maintain the traffic signal system.
  8. The County will only install topsoil/grass seed or macadam within disturbed areas of the existing and proposed easements or rights-of-way within the project limits.
- b. **BOROUGH OF EAST RUTHERFORD:** The Borough of East Rutherford is solely responsible for the performance and cost of the following:
1. Perform all necessary survey and field work, certified by a licensed surveyor, for

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the preparation of the topographic plan which shall be submitted to the County, in AutoCAD format, for its use in designing the project. Also perform all necessary survey and field work required for the relocation of the utility poles prior to the curb sets.

2. Provide the County with individual acquisition maps showing the land to be acquired, together with description of same.
3. Acquire any necessary property, slope rights, temporary and permanent construction easements, as well as any rights of entry, in the name of the municipality, and, if necessary, convey same to the County.
4. Prepare final construction plans based on the field survey and the County's conceptual design plans. Reproduce sets of the construction plans and specifications, as requested by the County, for bidding and for contractor use. Documents shall be of a suitable quality and size as requested by the County.
5. Prepare and submit plans and application fee to Bergen County Soil Conservation District for Soil Erosion and Sediment Control permit as required for the project. Obtain all other permits required to perform the project.
6. Be responsible for restoration, modification, alteration, relocation or removal of any appurtenances located within the easements or rights-of-way, including but not limited to landscaping, planters, walls, fences, signs, building structures, awnings, underground storage tanks, utilities, fire hydrants, monitoring wells, parking lots, etc.
7. If any structure within and/or adjacent to the easement or right-of-way is not currently in compliance with the High Voltage Proximity Act or would not be in compliance with the High Voltage Proximity Act as measured from the existing and/or proposed overhead utility line location, the structures shall be relocated so that they will be in compliance with the High Voltage Proximity Act (NJSA 34:6-47.1 (b), "High voltage lines; and NJSA 34:6-4.2 Prohibited Activity).
8. If stamped crosswalks are used, the Borough is responsible for the difference in cost between textured bituminous concrete surface course (crosswalks) and bituminous concrete surface. The cost of proposed sidewalk (concrete or decorative) in areas that do not currently have sidewalk is the responsibility of the Borough.
9. If any type of enhanced sidewalk design is used including scored concrete, brick pavers, etc., the difference in cost between enhanced sidewalk and concrete sidewalk is the responsibility of the Borough.
10. If decorative (powder coated or otherwise) traffic signal poles are used, the difference in cost between standard steel traffic signal poles and arms, and decorative steel poles and arms is a municipal responsibility. The municipality is also required to stock replacement decorative poles and arms in the event of an emergency repair.
11. Own and maintain any shade trees placed within the easements or rights-of-way. The County prefers that trees be placed outside of the rights-of-way.
12. Provide uniform police officers, at the Borough's sole expense, for the maintenance and protection of traffic in accordance with the following:
  - a. It is mandatory to have municipal police present when intersecting roadways cannot be fully closed to traffic during the following

- construction phases: Installation of underground traffic signal conduit in the intersection; installation of underground storm-water drainage systems in the intersection; installation of new overhead traffic signal hardware or removal of existing traffic signal hardware; performing work within 100' of a signalized intersection; pavement milling operations; final paving operations; signal "turn-on".
- b. The municipality shall provide police when the Chief of Police deems their presence necessary on any County or Municipal road or signalized intersection within the municipality, either during construction, or continued maintenance by the County or the County's contractors.
  - c. The municipality shall provide police when requested by the County Engineering Division.
13. The Americans with Disabilities Act Accessibility Guidelines require all pedestrian facilities within the project scope to be reconstructed in strict compliance with ADA guidelines. The municipality agrees to provide signed and sealed handicap ramp plans to be incorporated into the construction plans, as well as signed and sealed County "Compliant Design Certification" forms. Upon completion of the intersection improvement project, the municipality agrees to provide signed and sealed "as-built" plans for the handicap ramps, and County "Compliant Construction Certification" forms. The municipality also acknowledges and agrees that, per State Statute, ownership and maintenance of the sidewalk, handicap ramps, and curbs are the responsibility of the municipality. The municipality shall hold the County harmless with respect to any action arising out of the design and construction of the municipality's sidewalks, handicap ramps and curbs.
  14. Own and maintain any island constructed within the intersection, with the exception of any traffic signal equipment, which will be maintained by the County. Per state statute, the County is only responsible for road maintenance from curb face to curb face.
  15. Provide the County with any survey information necessary for the construction layout of the intersection, as well as provide "as-built" construction plans (including the signing and striping) at project completion.
  16. Adopt by ordinance the necessary traffic regulations as determined by the finalized intersection layout and traffic signal plans. The municipality agrees to submit a certified copy of the ordinance, resolution, and/or regulations to the County.
  17. Grant permission to the County to install, maintain, and repair any portion of the traffic signal equipment located in or adjacent to the intersection.
  18. Maintain all parking regulatory signs on the County and Borough road approaches to the intersection. The Borough will require the property owner to maintain the one way, stop, turn prohibitions, and do not enter signs on the commercial driveway approaches (the County will maintain the far side turn prohibition signs).
  19. Provide continued electrical power for traffic signals and street lights.
  20. Conduct a street lighting survey and provide additional lighting facilities, as indicated by the survey.

21. Provide to the County, prior to the construction contract award, the funding necessary for any construction items deemed to be a municipal responsibility, either in accordance with the responsibilities outlined above or as deemed by the County Engineer if items are not addressed herein. The cost estimate of same will be as determined by the Engineer's estimate. Upon knowing final project costs and the actual municipal share of the project, the municipality shall either provide additional funding to the County to cover the actual cost of items that are municipal responsibility, or be reimbursed the difference between actual cost and the estimated cost for municipal items if actual costs were less than estimated costs.
22. The municipality's design engineer shall be available through the bidding process and completion of construction in order to address design related issues that may arise, including but not limited to: design related Requests for Information (RFI's) from potential bidders or the contractor; field conflicts; field modifications; design changes, etc.
23. The Borough of East Rutherford may have imposed a certain amount of these Borough responsibilities on the developer of the property in the northeast corner of the intersection, Park One Eleven, LLC, (Park) per settlement agreement dated December 18, 2018 between the Borough and Park. As party to that agreement, the Borough is responsible to ensure the developer fulfills its obligations under the settlement agreement.

**BE IT FURTHER RESOLVED**, that this agreement is contingent upon receipt of a concurring resolution from the Borough of East Rutherford; and

**BE IT FURTHER RESOLVED**, that upon receipt of said concurring resolution, the County Executive be and is hereby authorized to execute the necessary agreement in a form to be approved by County Counsel.