

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

NOTICE

The next Regular Meeting of the Northwest Bergen County Utilities Authority will be held on Tuesday, June 20, 2017 immediately following the Work Session at 7:00 pm, in the offices of the Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey. Formal action will be taken.

June 16, 2017

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

REGULAR MEETING

June 20, 2017

1. Meeting called to Order
2. Chairman's statement in accordance with C. 231, PL 1975
3. Roll Call
4. Salute to the Flag
5. Chairman's Remarks
 - a. 2017 Committee Appointment
6. Approval of Minutes – Regular Meeting – May 16, 2017
Public Hearing – May 16, 2017
7. Public Comments (any subject)
8. Consideration for approval list of Resolutions attached dated June 20, 2017
9. Reports of Committees
 - a. Finance Committee
 - b. Personnel Committee
 - c. Insurance Committee
 - d. Operating Committee
 - e. Strategic Plan Subcommittee
 - f. Buildings and Grounds Committee
 - g. Safety and Security Committee
10. Report of Treasurer.
11. Report of Counsel.
12. Report of Engineer.
13. Report of Executive Director.
14. Report of Superintendent.
15. Old Business.
16. New Business.
17. Public Comments (on subjects 5 through 16).
18. Adjournment.

June 16, 2017

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

LIST OF RESOLUTIONS REGULAR MEETING June 20, 2017

RESOLUTIONS

- 43-2017 Approval of Vouchers, Payroll and Tax Deposits
- 44-2017 Designation of Certifying Finance Officer – James Rotundo
- 45-2017 Resolution of the governing body of the Northwest Bergen County Utilities Authority authorizing Stipend and License Incentive Payments to Supervisory Employees
- 46-2017 Award of Contract – Contract No. 279 – Trunk Sewer West Lining Project
- 47-2017 Approval of Sewer Extension – 221 East Crescent Avenue, Allendale
- 48-2017 Authorization to enter into a Shared Services Agreement with the Borough of Franklin Lakes

MOTIONS

- 17-03 Motion to grant a 90 day unpaid leave of absence - Alexander Lerch

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 43-2017

Date: June 20, 2017

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

WHEREAS, the Northwest Bergen County Utilities Authority has received vouchers in claim for payment of materials supplied and/or rendered; and

WHEREAS, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and

WHEREAS, the Northwest Bergen County Utilities Authority has made payroll transfers, payroll tax deposits and Pensions & Benefits transfers for the month of May 2017 and Health Benefits and Dental Benefits transfers for June 2017; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions and Benefits, and Health and Dental Benefits transfers listing on the attached reports and have found them to be in order.

NOW, THEREFORE, BE IT RESOLVED,

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated June 20, 2017 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$195,719.95

ACCOUNT: Tax Deposit Account
Total: \$95,491.10

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$108,220.00

ACCOUNT: Health Benefits Contribution Employee
Total: \$13,547.31

ACCOUNT: Dental Benefits
Total Transfer: \$4,165.82

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 43-2017

Date: June 20, 2017

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$33,835.51

ACCOUNT: PERS and Contributory Insurance – 1st Quarter RETRO – Administration
Total Transfer: \$482.82

ACCOUNT: Defined Contribution Retirement Program – Employer
Total Transfer: \$12.50

ACCOUNT: Defined Contribution Retirement Program – Employee
Total Transfer: \$22.92

ACCOUNT: Operating Account
Total: \$416,653.97

ACCOUNT: General Improvement Account
Total: \$75,010.42

ACCOUNT: 2015 WWT Project Account
Total: \$555.00

CHAIRMAN

SECRETARY

	Bonagura	Chewcaskie	Danubio	DePhillips	Gabbert	Kelاهر	Lo Iacono	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 44-2017

Date: June 20, 2017

**RESOLUTION DESIGNATING JAMES ROTUNDO AS THE AUTHORITY'S
CERTIFYING OFFICER FOR PURPOSES OF COMPLIANCE WITH N.J.A.C. 5:30-5.3
THROUGH 5.5**

WHEREAS, N.J.A.C. 5:30-5.3 through 5.5, effective as of June 5, 2017, require, among other things, the certification of available funds by a chief financial officer or other certifying officer prior to a contract being awarded; and

WHEREAS, these rules apply to the Authority; and

WHEREAS, the Authority's Assistant Executive Director, James Rotundo, is best suited to serve as the Authority's certifying officer for the purposes of compliance with N.J.A.C. 5:30-5.3 through 5.5; and

NOW, THEREFORE, BE IT RESOLVED by the Authority's Board of Commissioners, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. James Rotundo is hereby designated as the Authority's certifying officer for the purposes of compliance with N.J.A.C. 5:30-5.3 through 5.5.
3. This Resolution shall be effective immediately.

ADOPTED: June 20, 2017

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 45-2017

Date: June 20, 2017

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING STIPEND AND LICENSE INCENTIVE PAYMENTS TO SUPERVISORY EMPLOYEES

WHEREAS, the Authority encourages all employees to obtain licenses and pursue trades that benefit the Authority; and

WHEREAS, four supervisory employees possess licenses that confer benefits on the Authority; and

WHEREAS, three supervisory employees have provided services to the Authority in a skilled trade; and

WHEREAS, the Authority's Superintendent has recommended license incentive and stipend payments for all of the supervisory employees referenced above; and

NOW, THEREFORE, BE IT RESOLVED by the Authority's Board of Commissioners, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority is hereby authorized to pay Bart Brophy a license incentive of \$5,250 for holding a S4/C3 license.
3. The Authority is hereby authorized to pay Angelo DiPaola a license incentive of \$3,750 for holding a S2/C3 license.
4. The Authority is hereby authorized to pay Alexander Lerch a license incentive of \$1,500 for holding a S1, C1 license.
5. The Authority is hereby authorized to pay Robert Genetelli a license incentive of \$6,000 for holding a S4/C4 license.
6. The Authority is hereby authorized to pay William Eletto a trade stipend of \$1,000 for his Backflow Preventer Certification.
7. The Authority is hereby authorized to pay Angelo DiPaola a trade stipend of \$1,000 for his Backflow Preventer Certification.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 45-2017

Date: June 20, 2017

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING STIPEND AND LICENSE INCENTIVE PAYMENTS TO SUPERVISORY EMPLOYEES

- 8. The Authority is hereby authorized to pay Andrew Agugliaro a stipend of \$1,000 for his PACP certification and TV camera truck service.
- 9. This Resolution shall be effective immediately.

ADOPTED: June 20, 2017

I hereby certify that this is a true copy of a resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on June 20, 2017.

MICHAEL KASPARIAN
CHAIRMAN

ALISON GORDON
SECRETARY

	Bonagura	Chewcaskie	Danubio	DePhillips	Gabbert	Lo Iacono	Kelاهر	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 46-2017

Date: June 20, 2017

AUTHORIZATION TO AWARD CONTRACT NO. 279 – TRUNK SEWER WEST LINING PROJECT

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Northwest Bergen County Utilities Authority (the “Authority”) solicited bid proposals in connection with Contract No. 279 – Trunk Sewer West Lining Project; and

WHEREAS, the following bid proposals were received by the Authority on June 7, 2017 for Contract No. 279:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Allstate Power Vac, Inc.	\$232,485.00
Insituform Technologies, Inc.	\$241,575.00
Arold Construction Co., Inc.	\$296,500.00
EN-TECH Corp.	\$311,655.00
AM-Liner East, Inc.	\$453,375.00

WHEREAS, the Authority’s Consulting Engineer and General Counsel have reviewed the bid proposals and have recommended that Allstate Power Vac, Inc. be awarded Contract No. 279 in accordance with N.J.S.A. 40:11-1 et. seq., as the lowest complying and responsible bidder; and

WHEREAS, the Authority has determined that Allstate Power Vac, Inc. is the lowest complying and responsible bidder for Contract No. 279 in accordance with N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the Authority’s Certifying Finance Officer has certified that funds are available for the award of Contract No. 279.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Northwest Bergen County Utilities Authority as follows:

1. Allstate Power Vac, Inc. shall be and is hereby determined to be the lowest complying and responsible bidder for Contract No. 279 – Trunk Sewer West Lining Project for a total sum of \$232,485.00.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 46-2017

Date: June 20, 2017

AUTHORIZATION TO AWARD CONTRACT NO. 279 – TRUNK SEWER WEST LINING PROJECT

2. The Chairman or Vice-Chairman of the Authority shall be and hereby is authorized to execute a contract with Allstate Power Vac, Inc. of 928 East Hazelwood Avenue, Rahway, NJ 07065.
3. The bid security of all unsuccessful bidders shall be returned in accordance with N.J.S.A. 40A:11-1 et. seq.
4. The Certifying Finance Officer’s Certification of Available Funds shall be maintained on file at the Authority and made a part hereof.
5. Notice of award of this Contract to Allstate Power Vac, Inc. in the total sum of \$232,485.00 shall be published in accordance with applicable law.
6. A copy of this Resolution and Contract, upon execution by Allstate Power Vac, Inc. and the Authority shall be placed on file in the office of the Executive Director and be made available for public inspection.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on June 20, 2017.

CHAIRMAN

SECRETARY

	Bonagura	Chewcaskie	Danubio	DePhillips	Gabbert	Lo Iacono	Kelaher	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2017

Date: June 20, 2017

**PROPOSED SANITARY SEWER EXTENSION – ALLENDALE HEIGHTS
221 EAST CRESCENT AVENUE
BLOCK 506 LOT 4
BOROUGH OF ALLENDALE, NEW JERSEY**

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”) by Allendale Heights, LLC on behalf of the Borough of Allendale (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension to be located at 221 East Crescent Avenue in the Borough of Allendale (hereinafter referred to as the “Project”); and

WHEREAS, the Project proposes to provide sanitary sewer service to ten (10) proposed single family dwellings in the Borough of Allendale; and

WHEREAS, the Authority’s technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated June 19, 2017 has recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions, and

WHEREAS, finding that when completed, the average daily flow from the Project will be 3,000 gallons per day (gpd), and that based on this projection, an additional 2,700 gallons per day and 9 additional residential EDUs will become tributary to the Authority’s system from the Borough of Allendale.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application made by Allendale Heights, LLC on behalf of the Borough of Allendale for a proposed sanitary sewer extension to be located at 221 East Crescent Avenue in the Borough of Allendale be approved upon the condition that the Applicant, its principals, agents, successors or assigns fulfill the following terms and conditions:

1. The construction shall conform to all applicable requirements of Borough of Allendale;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2017

Date: June 20, 2017

**PROPOSED SANITARY SEWER EXTENSION – ALLENDALE HEIGHTS
221 EAST CRESCENT AVENUE
BLOCK 506 LOT 4
BOROUGH OF ALLENDALE, NEW JERSEY**

2. The installation of the sewers and appurtenances be inspected and approved by the Borough of Allendale;
3. That all newly constructed sewers be tested for infiltration and exfiltration and that such testing be observed and the results approved by an Authority engineer who has been provided with 2 days notice of such testing;
4. That the Applicant pay for engineering expenses incurred by the Authority for all inspection and testing of the sewers and appurtenances;
5. That the Applicant pay for all Authority application fees, legal fees and other application, administrative, technical or any other expenses relating to review of the Project;
6. That any manholes constructed or modified by reason of this Project be fitted with sewer guards to prevent inflow. All manholes constructed must be installed with all required waterproofing measures, including exterior painting and pipe gasket interlock;
7. That water conserving plumbing fixtures be installed in all new building construction to be serviced by the Project;
8. That the Authority be notified by the Applicant or its designee prior to commencement of sanitary sewer installation;
9. That prior to placing this connection into service, the Applicant must submit to the Authority for approval NJDEP Form WQM-005; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2017

Date: June 20, 2017

**PROPOSED SANITARY SEWER EXTENSION – ALLENDALE HEIGHTS
221 EAST CRESCENT AVENUE
BLOCK 506 LOT 4
BOROUGH OF ALLENDALE, NEW JERSEY**

10. That the Applicant comply with the rules and regulations of the Authority and the New Jersey Department of Environmental Protection; and be it

FURTHER RESOLVED, that upon written assurance of fulfillment by the Applicant of the foregoing terms and conditions, the Authority Superintendent be and is herewith authorized on behalf of the Authority to execute such approvals of the Project as may be required by governmental agencies having jurisdiction thereover.

I hereby certify that this is a true copy of a resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on June 20, 2017.

CHAIRMAN

SECRETARY

	Bonagura	Chewcaskie	Danubio	DePhillips	Gabbert	Lo Iacono	Kelaheer	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 48-2017

Date: June 20, 2017

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BOROUGH OF FRANKLIN LAKES**

WHEREAS, the State of New Jersey encourages local units to enter into agreements for the joint provision of municipal services; and

WHEREAS, the State of New Jersey authorizes entering into such agreements for shared services pursuant to NJSA 40A:65-1 et. seq.; and

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) and the Borough of Franklin Lakes (the “Borough”) had entered into a Shared Services Agreement on June 1, 2016 with a termination date of May 31, 2017 for the Authority to 1) act as the New Jersey Licensed Collection System Operator for the Borough; 2) respond to any and all sewer collection emergencies 24 hours a day, 7 day a week; 3) coordinate all third party repairs of the Collection System; 4) when necessary, coordinate, participate and correspond to any and all NJDEP inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System; 5) coordinate with the Borough and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System; and 6) the Borough will comply as soon as possible with all NBCUA requests records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation; and

WHEREAS, the Authority desires to enter into this agreement with the Borough for a duration of one (1) year subject to the terms and conditions set forth in said agreement attached hereto.

NOW THEREFORE, BE IT

RESOLVED, the Northwest Bergen County Utilities Authority agrees to enter into a Shared Services Agreement with the Borough of Franklin Lakes for a duration of one (1) year to act as the New Jersey Licensed Sewer Operator for the Borough in addition to other services as outlined above; and

FURTHER RESOLVED, that the Chairman or Vice-Chairman of the Authority be and is hereby authorized on behalf of the Authority to execute the Shared Services Agreement with the Borough of Franklin Lakes annexed hereto and made a part thereof.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 48-2017

Date: June 20, 2017

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BOROUGH OF FRANKLIN LAKES**

I hereby certify that this is a true copy of a resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on June 20, 2017.

CHAIRMAN

SECRETARY

	Bonagura	Chewcaskie	Danubio	DePhillips	Gabbert	Lo Iacono	Kelahr	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

INTRALOCAL SHARED SERVICE AGREEMENT

THIS AGREEMENT, made and entered into this 17 day of ^{May}~~June~~ 2017, by and among:

THE BOROUGH OF FRANKLIN LAKES, a Municipal Corporation of the State of New Jersey, in the County of Bergen, hereinafter referred to as "Franklin Lakes" and the NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY, doing business at 30 Wyckoff Avenue, P.O. Box 255, Waldwick, New Jersey 07463, hereinafter referred to as "NBCUA".

WHEREAS, the State of New Jersey encourages municipalities to enter into agreements for the joint provision of municipal services; and

WHEREAS, N.J.S.A.40A:65-1 et seq. authorizes the entering into contracts for the joint provision of services; and

WHEREAS, the Borough of Franklin Lakes and the NBCUA have researched the feasibility of entering into an agreement under the authority of Intralocal Shared Services, whereby the NBCUA would provide to Franklin Lakes the services of a licensed sewer operator, and

WHEREAS, Franklin Lakes has adopted Resolution # 141-17, which authorizes Franklin Lakes to enter into an agreement with the NBCUA, for the services of a licensed sewer operator as requested.

NOW, THEREFORE, this Agreement is entered into by and among the Borough of Franklin Lakes and the NBCUA for the purpose of defining and specifying the obligations of the parties and the Borough of Franklin Lakes and the NBCUA hereby agree as follows:

1. Pursuant to N.J.S.A. 40A:65-5, both the Borough of Franklin Lakes and the NBCUA shall adopt the appropriate Resolutions, which will formally authorize the entering into of this Agreement between the parties.
2. The duration of this Agreement shall be for a period of one (1) year following the commencement date and will supersede any previously agreed upon shared service agreement between the Borough of Franklin Lakes and NBCUA for the services of a licensed sewer operator. The commencement date shall be June 1, 2017 and shall expire on May 31, 2018.
3. The NBCUA shall provide the following services to the Borough of Franklin Lakes:
 - A. The NBCUA shall act as the New Jersey Licensed Collection System Operator for the Borough of Franklin Lakes.
 - B. The NBCUA shall respond to any and all sewer collection emergencies 24 hours a day, seven days a week.

- C. NBCUA will coordinate all third party repairs of the Collection System.
- D. NBCUA, when necessary, will coordinate, participate and correspond to any and all NJDEP and USEPA inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System.
- E. The Borough of Franklin Lakes will comply as soon as possible with all NBCUA requests for records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation.
- F. NBCUA will coordinate with the Borough of Franklin Lakes and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System.

4. NBCUA will provide all of the aforementioned services to the Borough of Franklin Lakes in accordance with federal and state regulations and standards for the operation of a collection system.

5. Fees - In consideration for the Licensed Collection System Operator services to be rendered by the NBCUA to Franklin Lakes, pursuant to Paragraph 3 (A) above, the Borough of Franklin Lakes shall pay the NBCUA four (4) equal installments of \$1,150.00 on or before September 1st, December 1st, March 1st and June 1st of each year, for a total annual compensation of \$4,600.00.

In consideration for services to be rendered by NBCUA to the Borough of Franklin Lakes, pursuant to Paragraph 3 (B thru F) above, the Borough of Franklin Lakes shall pay the NBCUA in accordance with the rates listed below:

Third Party Contractors for repairs and/or spare parts	\$ Direct Cost
Non- Business hrs – emergency responses (per man)	\$ 103.77/hr
Business hours emergency/non-basic repair	\$ 83.02/hr
Jet cleaning sanitary/storm lines	\$ 0.50/LF
Vac-out storm water catch basins/manholes (per man)	\$ 83.02/hr
TV Inspection (min. charge \$400)	\$ 0.83/LF
Manhole Inspection Program (upon request)	\$ TBD

NBCUA will provide quarterly invoices to the Borough of Franklin Lakes detailing services rendered pursuant to paragraph 3 (B through F above). The Borough of Franklin Lakes shall pay said invoices within 30 days of receipt.

6. To the fullest extent permitted by law, the Borough of Franklin Lakes shall release, indemnify, defend and hold harmless the NBCUA and its officers, trustees, directors, agents, representatives, attorneys and employees (collectively "Indemnified Parties") from any and all claims (including Workers Compensation claims), damages, losses, fines, civil penalties, liabilities, judgments, costs and expenses of any kind or nature whatsoever, including, but not limited to, interest, court costs and attorneys' fees, which in any way arise out of or result from this Agreement or any acts or omissions of the NBCUA, its employees, agents, representatives, or contractors in the performance of their obligations under this Agreement, including, but not limited to, injury to or death of any person, workers compensation claims, damage to or destruction of any property, real or personal, and liability or obligations under or with respect to any violation of federal, state and local laws, regulations, rules, codes and ordinances (including, but not limited to, those concerning environmental protection).

Nothing contained in this section shall be construed as a release or indemnity by the Borough of Franklin Lakes of an Indemnified Party from or against any loss, liability or claim to the extent arising from the gross negligence or willful misconduct of that Indemnified Party. This section shall not be construed to negate, abridge or otherwise reduce any other right to indemnity which would otherwise exist in favor of any Party, or any obligation of a Party, its officers, officials, employees, agents or contractors to indemnify any other Party. The Parties obligations under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits paid or payable by the Borough of Franklin lakes under workers' compensation laws, disability benefits laws or other employee benefit laws or regulations. The indemnification obligations of this section shall survive termination or expiration of this Agreement.

No Indemnified Party shall be liable for any injury or damage to the Borough of Franklin Lakes or to any person happening on, in or about the Borough, nor for any injury or damage to the Borough or to any property belonging to the Borough or to any other person that may be caused by fire, by breakage, or by the use, misuse or abuse of any Borough property, or that may arise from any other cause whatsoever unless arising solely from the willful misconduct or gross negligence of an Indemnified Party.

The NBCUA or other Indemnified Party (as applicable) will give timely notice to the Borough of Franklin Lakes of any action or proceeding brought against the NBCUA or other Indemnified Party (as applicable) by reason of any claims covered by the foregoing indemnities, together with documents served on the NBCUA or other Indemnified Party (as applicable) in connection therewith.

5. The parties agree that either party may terminate this Agreement by giving at least one (1) months' written notice to the other party.

6. Each party to this Agreement represents to the other party thereto that the Officials executing this Agreement are fully authorized and empowered to do so and to bind the parties to the terms of this Agreement, pursuant to law.

7. The parties recognize that the individuals who shall be designated as the Primary Contact Persons are, the Licensed Collection System Operator and Superintendent of the

NBCUA for the NBCUA and the Manager of the Borough's Public Works Department, for Franklin Lakes. The Primary Contact individual shall be noticed on all issues of importance and shall be responsible for initiating all requests for repairs and corrective actions to be carried out by NBCUA.

8. The primary contact person shall jointly and cooperatively implement and complete a reporting form to memorialize and record all required and/or performed repairs, corrective actions and responses for each pumping station.

9. The NBCUA agrees to comply with all applicable federal, state, county and municipal laws, rules and regulations.

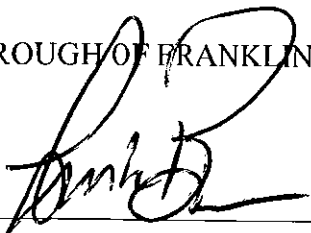
10. The terms of this Agreement shall constitute the entire understanding between the parties and may only be amended by a written document executed by both parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this month, day and year first above written.

ATTEST:

BOROUGH OF FRANKLIN LAKES

Sally T. Bleekw

By: 

Date: 5-17-2017

ATTEST:

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY

By: _____

Date: _____

**Resolution 141-17
Award Contract – Sewer Operator**

WHEREAS, the Borough must provide for certain services in connection with the operation and maintenance of a sanitary sewer collection system when it owns such a collection system; and,

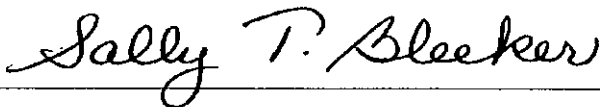
WHEREAS, the Northwest Bergen County Utilities Authority, 30 Wyckoff Avenue, Waldwick, New Jersey, has submitted a shared services proposal dated April 11, 2017 to provide such services;

WHEREAS, this agreement shall commence on or about June 1, 2017 and shall continue in effect until May 31, 2018; and,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that Northwest Bergen County Utilities Authority be and is hereby awarded the shared services contract for operation and maintenance of the Borough's sanitary sewer collection system, including an annual fee of \$4,600 for Licensed Collection System Operator services and such other itemized services as set forth in its proposal dated April 11, 2017; and

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Northwest Bergen County Utilities Authority.

I, Sally T. Bleeker, Municipal Clerk for the Borough of Franklin Lakes, do hereby certify that the above is a certified true copy of a resolution passed by the Mayor and Council on the 16th day of May 2017, at 7:30 P.M. in the Council Chambers of the Municipal Building, a quorum being present.



Sally T. Bleeker
Municipal Clerk

May 17, 2017

Date

