

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

SPECIAL MEETING – PUBLIC HEARING

NOTICE HEREBY IS GIVEN, that a **SPECIAL MEETING** of the Northwest Bergen County Utilities Authority is to be held on **TUESDAY, MAY 19, 2015** immediately following the Work Session at 7:00 p.m. in the offices of the Authority, located at 30 Wyckoff Avenue, Waldwick, New Jersey for the purpose of:

1. To conduct a **PUBLIC HEARING** regarding proposed revisions to the Rules, Regulations and Standards of the Northwest Bergen County Utilities Authority.
2. To consider and act upon a Resolution to revise the Rules, Regulations and Standards.
3. To consider and act upon any other business which may properly come before this meeting.

BY ORDER OF THE CHAIRMAN

Alison Gordon, Secretary

April 24, 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

SPECIAL MEETING – PUBLIC HEARING

AGENDA

May 19, 2015

1. Meeting called to order.
2. Chairman's Statement in Compliance with C. 231, PL 1975.
3. Roll Call.
4. Salute to the Flag.
5. Chairman's Remarks.
6. Discussion on revisions to the Rules, Regulations and Standards of the Northwest Bergen County Utilities Authority
7. Public Comments regarding same.
8. Vote on Resolution No. 50-2015 – Adoption of the revisions to the Rules, Regulations and Standards of the Northwest Bergen County Utilities Authority.
9. Public Comments.
10. Adjournment.

May 15, 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 50-2015

Date: May 19, 2015

**AUTHORIZATION TO HOLD A PUBLIC HEARING – REVISIONS TO THE RULES,
REGULATIONS AND STANDARDS**

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) operates a wastewater treatment facility located in Waldwick, New Jersey; and

WHEREAS, the use and operation of the Authority sewage system and facilities is governed by certain Rules, Regulations and Standards previously developed by the Authority in accordance with state and federal law, and

WHEREAS, the Rules, Regulations and Standards of the Authority are a part of every service contract entered by and with the Authority; and

WHEREAS, on December 6, 2006 by Resolution No. 103-2006, the Authority made certain amendments to the Rules Regulations and Standards to include a Sewer Connection Fee Program; and

WHEREAS, as part of the program, the Authority would pay each municipality a service fee of 15% of a connection fee in their municipality, with a not-to-exceed amount of \$10,000.00 per connection; and

WHEREAS, the Authority desires to amend the service fee not-to-exceed amount of \$10,000 per connection to \$5,000 per connection; and

WHEREAS, the Commissioners of the Authority passed Resolution No. 42-2015 on April 21, 2015 scheduling a public hearing so as to invite public comment and discussion concerning the proposed revision; and

WHEREAS, such public hearing was held on May 19, 2015; and

WHEREAS, the Commissioners have deemed it to be in the best interest of the Authority to revise Article XI, Section 11.3 of the Rules, Regulations and Standards attached hereto, to reflect the amendment of the service fee not to exceed amount per connection from \$10,000 to \$5,000.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the revision to the Rules, Regulations and Standards to amend the service fee not to exceed amount to the municipalities of \$10,000 per connection be changed to \$5,000 per connection shall be, and hereby is adopted; and

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FURTHER RESOLVED, that the revision to the Rules, Regulations and Standards of the Authority shall be, and hereby is, effective immediately.

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 May 19, 2015.

CHAIRMAN

SECRETARY

	Bonagura	DaPuzzo	DcPhillips	Gabbert	Kasparian	Kelahr	Plumley	Salazer	Chewcaskie
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

ARTICLE XI CONNECTION FEES

11.1. Introduction

Pursuant to N.J.S.A. 40:14B-22, the Authority hereby adopts a program of imposing a connection fee on each individual or entity making a direct or indirect connection to the Authority's sanitary wastewater collection and treatment system (the "System").

11.2. Requirement of a Connection Fee

Except as listed herein, any person seeking to construct a direct or indirect connection to a municipal sewer system or the Authority's System shall pay a connection fee to the Authority. With respect to developments where construction has not yet begun at the time of the adoption of this regulation, where an applicant (the "Applicant") can demonstrate that approval to connect to the Authority's system has been given prior to January 1, 2007, or has an application pending as of that date, the Applicant shall have twenty-four (24) months from the date of such approval to complete the connection to the Authority's system. If the connection has not been made within the twenty-four month period, then the Applicant will be required to pay the connection fee at the time of connection.

If the Applicant can prove that implementation of the connection was delayed by factors which were either unforeseen or not preventable by the Applicant, and the Applicant pursued the connection with all due diligence, then the Authority may grant an additional extension after the twenty-four (24) month period for the Applicant to be connected to the Authority's system without a connection fee.

The connection fee shall be computed in accordance with the formula set forth in N.J.S.A. 40:14B-22 and shall be recomputed each year as required by that statute. For purposes of that formula (i) the Authority hereby adopts the figure of 300 gallons per day as the "equivalent service unit", based upon the projected flow for a single family dwelling having three or more bedrooms as provided in N.J.A.C. 7:14A-23.3 and (ii) the number of gallons per day produced by a particular connection shall be computed in accordance with N.J.A.C. 7:14A-23.3, to the extent the proposed development is covered by those criteria. To the extent the proposed development is not covered by the criteria in N.J.A.C. 7:14A-23.3, the projected flow shall be proposed by the applicant based on similar operations or best professional

judgment and such projection shall be accepted, rejected or modified by the Executive Director for the Authority, exercising his reasonable discretion, after review by the Authority's Consulting Engineer. The foregoing references to N.J.S.A. 40:14B-22 and to N.J.A.C. 7:14A-23.3 shall all be interpreted to mean that statute and that regulation, as same may be amended from time to time.

In the event a development serviced by an existing direct or indirect connection to the System is demolished, in whole or in part, and new development is constructed in its place at the same location, the applicant shall be entitled to a credit against the gallonage to be produced by the proposed development for the gallonage attributable to the structures which are being demolished in order for the development to proceed.

11.3. Notification by Member Municipalities

Each municipality which conveys wastewater to the Authority for treatment shall establish procedures to notify the Authority of all new connections expected or requested to be made. The Authority shall establish forms, from time to time, for the use by each municipality in reporting the aforesaid information, and each municipality shall utilize the prescribed forms. Each municipality shall require each applicant for a construction permit to pay the applicable connection fee directly to the Authority prior to the issuance of a building permit. The Authority shall notify the municipality when the connection fee has been paid.

The Authority shall pay each municipality a service fee of 15% of the connection fee, not to exceed \$5,000.00 per connection, for its services in reporting the required information and in requiring the applicant to pay the connection fee. Such service fee shall be payable only if: (i) the municipality reports the expected or requested connection in a timely manner, and (ii) the connection fee is actually paid to the Authority. All such payments of connection fees shall be made to the municipalities on an annual basis and shall be subject to adjustment for connection fees which were refunded during the same year.