

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

NOTICE

PLEASE TAKE NOTICE that the Statutory Reorganization Meeting of the Northwest Bergen County Utilities Authority will be held on Tuesday February 16, 2016, immediately following the Work Session at 7:00pm, in the offices of the Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey.

BY ORDER OF THE CHAIRMAN

Alison Gordon
Secretary

February 12, 2016

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

Reorganization Meeting
February 16, 2016

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. Election of Officers:
 - a) Report of Nominating Committee
 - b) Election of Chairman for ensuing year
 - c) Election of Vice-Chairman for ensuing year
6. Chairman's Remarks.
7. Closed Session – Potential Litigation, Privileged Attorney-Client Communication regarding Contractual Dispute
8. Approval of Minutes – Public Hearing – 2016 Service Charges – January 12, 2016
Regular Meeting – January 12, 2016
9. Consideration for approval of the list of Resolution attached dated February 16, 2016.
10. Reports of Committees.
11. Report of Treasurer.
12. Report of Counsel.
13. Report of Engineer.
14. Report of Executive Director.
15. Report of Superintendent.
16. Old Business.
17. New Business.
18. Public Comments (on subjects 5 through 17).
19. Adjournment.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

**LIST OF RESOLUTIONS
REORGANIZATION MEETING**

February 16, 2016

- | | |
|---------|--|
| 05-2016 | Approval of vouchers, payroll and tax deposits |
| 06-2016 | Approval of 2016 Meeting Schedule |
| 07-2016 | Designation of Authority Newspapers for 2016 |
| 08-2016 | Designation of Depositories for 2016 |
| 09-2016 | Resolution authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units pursuant to N.J.S.A.40A:11-12a |
| 10-2016 | Authorization to enter into a Shared Services Agreement with the Borough Of Saddle River |
| 11-2016 | Northwest Bergen County Utilities Authority
NJEIFP Loan No. S340700-14 |
| 12-2016 | Northwest Bergen County Utilities Authority
NJEIFP Loan No. S340700-15 |
| 13-2016 | Northwest Bergen County Utilities Authority
NJEIFP Loan No. S340700-16 |
| 14-2016 | Northwest Bergen County Utilities Authority
NJEIFP Loan No. S340700-17 |
| 15-2016 | Increase in fee for Special Counsel – Sokol Behot, LLP |
| 16-2016 | Increase in fee for Special Counsel – Chasan, Leyner & Lamparello, PC |
| 17-2016 | Authorization to enter into Payment Agreement with Toll NJ XII LP |
| 18-2016 | Approval of Sewer Extension – The Reserve at Franklin Lakes, 845 Ewing Avenue, Franklin Lakes, New Jersey |
| 19-2016 | Approval of Sewer Extension – Wyckoff Avenue, Mahwah, New Jersey |
| 20-2016 | Resolution ratifying Emergency Procurement related to the Darlington Pump Station backup generator |

- 21-2016 Qualification of Individuals/Firms for provision of Legal Services
- 22-2016 Qualification of Individuals/Firms for provision of Engineering Services
- 23-2016 Qualification of Individuals/Firms for provision of Auditing Services
- 24-2016 Qualifications of Individuals/Firms for provision of Bond Counsel
- 25-2016 Qualification of Individuals/Firms for provision of Risk Manager
- 26-2016 Retention of Authority Auditor for 2016
- 27-2016 Retention of Authority Engineer 2016
- 28-2016 Retention of Authority Engineer for 2017 Service Charges
- 29-2016 Retention of Authority Engineer for General Incinerator Advice for 2016
- 30-2016 Retention of Authority General Counsel for 2016
- 31-2016 Retention of Authority Labor Counsel for 2016
- 32-2016 Retention of Bond Counsel for 2016
- 33-2016 Retention of Risk Manager for 2016

MOTIONS

- 16-01 Authorization for attendance to the AEA Conference

February 12, 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. CS-FEB-2016

Date: February 16, 2016

**RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN
COUNTY UTILITIES AUTHORITY TO ENTER CLOSED SESSION
PURSUANT TO THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 to 10:4-21, requires that meetings of public bodies shall be open to the public at all times, except that the public body may exclude the public only from that portion of a meeting at which the public body discusses matters set forth in N.J.S.A. 10:4-12b; and

WHEREAS, the Northwest Bergen County Utilities Authority (“Authority”) Board of Commissioners intends to hold a closed meeting on the following subject matters which are authorized by N.J.S.A. 10:4-12b:

Pending Litigation, Privileged Attorney-Client Communication
Regarding Contractual Dispute.

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’s Governing Body shall meet in closed session on February 16, 2016, to discuss the above-referenced matters.
3. The minutes, or parts thereof, of the closed session discussion may be disclosed to the public upon the determination by the Board of Commissioners that the public interest will no longer be served by such confidentiality.
4. This Resolution shall be effective immediately.

ADOPTED: February 16, 2016

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 05-2016

Date: February 16, 2016

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 January 2016 and Health Benefits and Dental Benefits transfers for February 2016; 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 February 12, 2016 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$317,989.20

ACCOUNT: Tax Deposit Account
Total: \$151,794.55

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$116,976.46

ACCOUNT: Health Benefits Contribution Employee
Total: \$9,723.63

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 05-2016

Date: February 16, 2016

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

ACCOUNT: Dental Benefits
Total Transfer: \$4,231.68

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$30,646.98

ACCOUNT: Operating Account
Total: \$367,833.84

ACCOUNT: General Improvement Account
Total: \$136,642.29

ACCOUNT: 2014 WWT Project Account
Total: \$332.75

ACCOUNT: 2015 WWT Project Account
Total: \$186,698.71

SECRETARY

CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelahe	Plumley	Salazer	Chewcaskie
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
MEETING SCHEDULE FOR 2016

Regularly scheduled meetings and Work Sessions will take place on the 3rd Tuesday of the month at 7:00pm at the Authority Offices located at 30 Wyckoff Avenue, Waldwick, New Jersey, unless otherwise noted on the schedule outlined below.

Month	TUESDAY Work Session & Regular Meetings	WEDNESDAY Work Session & Regular Meetings	Notes
March	15 th		
April	19 th		
May	17 th		
June	21 st		
July	19 th		
August	No meetings scheduled		
September	20 th		
October	18 th		A special meeting will be held to adopt the preliminary budget to send to the Div. of Local Govt. & set date for the Public Hearing
November		9 th *	*2 nd Wednesday of the month.
December	13 th *		*2 nd Tuesday of the Month Public Hearing for Budget will be held this day.
January	10 th *		*2 nd Tuesday of the month
February	21 st		Reorganization Meeting

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 09-2016

Date: February 16, 2016

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A.40A:11-12a**

WHEREAS, the Northwest Bergen County Utilities Authority, pursuant to N.J.S.A.40A:1-12a and N.J.A.C.5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Northwest Bergen County Utilities Authority has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Northwest Bergen County Utilities Authority intends to enter into contracts with the attached Referenced State Contract Vendors, but not limited to the attached, through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Northwest Bergen County Utilities Authority authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, but not limited to the attached, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Northwest Bergen County Utilities Authority pursuant to N.J.A.C.5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Northwest Bergen County Utilities Authority and the Referenced State Contract Vendors shall be from January 1, 2016 to December 31, 2016.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 09-2016

Date: February 16, 2016

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A.40A:11-12a**

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 February 16, 2016.

CHAIRMAN

SECRETARY

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

REFERENCED STATE CONTRACT VENDORS

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract No.</u>
General Office Supplies	WB Mason, Inc.	A-88839 (exp. 5/6/18)
Custodial/Maintenance Supplies	Grainger, Inc.	M-0002 (exp. 2/28/2017)
Fire Extinguisher Maintenance	FYR Fyter Sales	T0576 (exp. 5/31/2016)
Laboratory Supplies	T-0983 – Hach Chemical	85091 (exp. 9/30/2016)
	T-0115 – Fisher Scientific	75827 (exp. 12/31/2016)
	T-0115 – J&H Berge	75819 (exp. 12/31/2016)
	T-0115 – VWR Scientific	75846 (exp. 12/31/2016)
Vehicles	T-2100 – Chase Winner Ford	88726 (exp. 3/25/16)
	T-2100 – Beyer Ford	88726 (exp. 3/25/16)
Heavy Construction Equipment (Through the National Joint Powers Alliance)	Caterpillar, Inc.	032515-CAT (5/19/19)

SHARED SERVICE AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of January 2016 by and among:

The Borough of Saddle River, a Municipal Corporation of the State of New Jersey, in the County of Bergen, hereinafter referred to as "Saddle River", 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 local units to enter into agreements for the joint provision of services; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) promotes the broad use of shared services as a technique to reduce local expenses funded by property taxpayers; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. Seq.) allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough and the NWBCUA have researched the feasibility of entering into an agreement under the authority of Uniform Shared Services and Consolidation Act, whereby the NWBCUA would provide to the Borough, the monthly inspections/monitoring of the Borough's one (1) wastewater pump station, and any and all agreed upon repairs, 24 hours a day and 365 days per year; potential response time to call-outs and emergencies; and

WHEREAS, the Borough has adopted a Resolution # 27-16 which authorizes Saddle River to enter into an agreement with the NWBCUA, for the services of monitoring the Borough's wastewater pump stations and any agreed upon miscellaneous services.

NOW, THEREFORE, this agreement is entered into by the Borough of Saddle River and the NBCUA for the purpose of defining and specifying the obligations of the parties and the Borough of Saddle River and the NWBCUA hereby agree as follows:

1. Pursuant to N.J.S.A. 40A:65-1 et. seq., both the Borough of Saddle River and the NWBCUA shall adopt the appropriate resolution, which will formally authorize the entering into this Agreement between the parties.
2. The duration of this Agreement shall be for a period of one (1) year following the commencement date. The commencement date shall be January 1, 2016.
3. The NBCUA shall provide the following services to the Borough of Saddle River:


- A. The NBCUA shall act as the New Jersey Licensed Sewer Operator for the Borough of Saddle River and perform the weekly monitoring of Saddle River's wastewater pump station, 24 hours a day and 365 days per year.
 - B. Perform repairs, corrective action and respond to pump station alarms during normal business hours. Business hours shall be defined as Monday through Friday, 7:00am to 3:30pm.
 - C. Perform repairs, corrective actions and respond to pump station alarms during non-business hours. Non-business hours shall be defined as Monday through Friday, 3:31pm to 6:59am and all day on Saturdays and Sundays and on NWBCUA approved holidays.
4. In consideration for the services to be rendered by the NBCUA to the Borough of Saddle River, pursuant to Paragraph 3 above the Borough of Saddle River shall pay the NBCUA four (4) equal installments of \$2050.00 on or before March 1st, June 1st, September 1st and December 1st of each year for a total annual compensation of \$8,200.00. The rate of compensation paid by the Borough of Saddle River to the NBCUA for repairs, corrective actions and responses to pump station alarms shall be \$83.02 per man hour for business hours and \$103.77 per man hour for non-business hours. The hourly compensation as memorialized above shall have a percentage increase commencing July 1, 2016 and each and every year thereafter, equal to the percentage increase if any paid by the NBCUA to their non-supervisory employee group.
5. The NWBCUA shall provide the Borough of Saddle River with an invoice reflecting all time and work provided by its staff for repairs and response service during the previous month. Said invoices shall be paid by the Borough of Saddle River within 45 days of receipt.
6. The parties agree to be bound to this Agreement for a minimum of twelve (12) months. Twelve (12) months following the commencement date, either party may terminate this Agreement by giving as least twelve (12) months' written notice to the other party.
7. Each party to this agreement represents to the other party thereto that the Officials executing Agreement are fully authorized and empowered to do so and to bind the parties to the terms of this Agreement, pursuant to law.
8. The parties recognize that the individuals who shall be designated as the primary contact persons are, the Licensed Sewer Operator and Superintendent of the NWBCUA for the NBCUA and the Supervisor of the Borough's Public Works Department for Saddle River. The primary contact individual shall be noticed on all issues of importance, including but not limited to, necessary repairs, corrective actions and responses to pump station alarms.
9. The primary contact persons 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 stations.

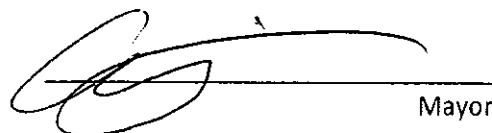
10. The NWBCUA will provide a certificate of insurance designating Saddle River as an additional insured, with the same limits and coverage as the NBCUA has in place with their current insurance program.
11. The Borough of Saddle River will maintain a reasonable spare parts inventory as requested by the Superintendent of the NBCUA.
12. The effective date of this Agreement shall be January 1, 2016 and the expiration date shall be December 31, 2016.
13. The NBCUA agrees to comply with all applicable federal, state, county and municipal laws, rules and regulations.
14. 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 Saddle River


Borough Clerk


Mayor

Date:

ATTEST:

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY

Secretary

Brian Chewcaskie, Chairman

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 15-2016

Date: February 16, 2016

**RESOLUTION TO AMEND SPECIAL COUNSEL PROFESSIONAL SERVICES
CONTRACT**

WHEREAS, by Resolution 19-2015, the Northwest Bergen County Utilities Authority (the "Authority") identified a number of firms as qualified to perform legal services required by the Authority pursuant to a Request for Qualifications for such position, which notice thereof was published on January 16, 2015; and

WHEREAS, by Resolution No. 49-2015 (the "Original Resolution") the Authority retained the firm of Sokol, Behot & Fiorenzo (the "Sokol Firm") as Special Counsel to the Authority to provide legal services in the matter of Mediation with Underground Utilities Corporation regarding Contract No. 259 – Franklin Lakes Business District Sanitary Sewer and authorized the Executive Director to execute a Professional Services Agreement between the Authority and the Sokol Firm; and

WHEREAS, a Professional Services Agreement dated May 14, 2015 between the Authority and the Sokol Firm was executed by the parties thereafter; and

WHEREAS, the Original Resolution and the Professional Services Agreement provides for Special Counsel's compensation to be capped at \$18,000 and that in the event that it anticipates it will exceed that amount, to seek further authorization from the Authority at such time; and

WHEREAS, by Resolution No. 85-2015 dated October 20, 2015, the Authority amended the Original Resolution and Professional Services Agreement to increase the not to exceed amount to the \$22,200; and

WHEREAS, the Sokol Firm has advised the Authority that due to the ongoing Mediation, that counsel fees for this matter will cause the overall compensation to the Sokol Firm to exceed \$22,200; and

WHEREAS, the Sokol Firm has requested the Authority increase the not to exceed cost for legal services provided by their firm to \$26,850 for this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Northwest Bergen County Utilities Authority hereby amends the Original Resolution and the Professional Services Agreement with the Sokol Firm to increase the not to exceed amount to \$26,850 due to the ongoing mediation but

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 15-2016

Date: February 16, 2016

RESOLUTION TO AMEND SPECIAL COUNSEL PROFESSIONAL SERVICES CONTRACT

subject to the rates and all other terms and conditions of the Original Resolution & Professional Services Agreement; and be it

FURTHER RESOLVED, that this Resolution shall effectively amend the Professional Services Agreement referred to above; and be it

FURTHER RESOLVED, that the Original Resolution and the Professional Services Agreement, unless expressly modified, remain in full force and effect.

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 February 16, 2016.

CHAIRMAN

SECRETARY

Table with 10 columns (Bonagura, DaPuzzo, DePhillips, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Chewcaskic) and 7 rows (Offered, Seconded, Aye, Nay, Absent, Abstain, Recuse).

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 16-2016

Date: February 16, 2016

RESOLUTION AMENDING AN AGREEMENT TO PROVIDE LEGAL SERVICES WITH CHASAN LEYNER & LAMPARELLO, PC

WHEREAS, in April of 2015, the Northwest Bergen County Utilities Authority (“Authority”) entered into a professional service agreement with Chasan Leyner & Lamparello, PC (the “Law Firm”); and

WHEREAS, pursuant to that professional service agreement the Law Firm was to perform legal services necessary to properly represent the Authority in connection a March 9, 2015 arbitration award against the Authority; and

WHEREAS, due to Law Firm’s ongoing services, specifically their representing the Authority in an appeal of the March 9, 2015 arbitration award, there is a need to amend the contract term regarding compensation, increasing the cap from \$18,000.00 to \$35,000.00; and

WHEREAS, a contract for said services may be awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-2(6) and 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the contract is for a service performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study.

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. Section 2 is amended to provide as follows:

Contract Amount/Hourly Rate

In consideration for these services, Special Legal Counsel agrees to accept compensation at the rate of \$150.00 per hour for attorneys, \$65.00 for all law clerks and paralegals; and \$25.00 for secretarial overtime in an amount not to exceed \$35,000.00. In the event that Special Legal Counsel anticipates that it will exceed the \$35,000.00 limit, it shall seek further authorization from the Authority at that time.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 16-2016

Date: February 16, 2016

RESOLUTION AMENDING AN AGREEMENT TO PROVIDE LEGAL SERVICES WITH CHASAN LEYNER & LAMPARELLO, PC

3. The Chairman, Vice Chairman, Executive Director, Secretary and any other necessary Director, officer or official of the Authority are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
4. This Resolution shall be effective immediately.

ADOPTED: February 16, 2016

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 February 16, 2016.

BRIAN CHEWCASKIE
CHAIRMAN

ALISON GORDON
SECRETARY

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 17-2016

Date: February 16, 2016

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING CONNECTION FEE PAYMENT AGREEMENT WITH TOLL NJ XII LP FOR 845 EWING AVENUE, BOROUGH OF FRANKLIN LAKES

WHEREAS, Toll NJ XII LP (“User”) is the owner of property located at 845 Ewing Avenue, Franklin Lakes, New Jersey 07417 (“Property”); and

WHEREAS, the User has filed an application with the Northwest Bergen County Utilities Authority (“Authority”) to connect the Property to the Authority’s sewer system; and

WHEREAS, the Authority has determined that it is in its best interest to permit the User to connect its Property to the Authority’s system and to enter into the attached Connection Fee Payment Agreement with the User; and

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority’s Executive Director is hereby authorized to enter into the attached Connection Fee Payment Agreement on behalf of the Authority, and to execute such further documents, and undertake such other tasks that are reasonably required to carry out and consummate the transactions contemplated by attached Connection Fee Payment Agreement.
3. This Resolution shall be effective immediately.

ADOPTED: February 16, 2016

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 17-2016

Date: February 16, 2016

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING CONNECTION FEE PAYMENT AGREEMENT WITH TOLL NJ XII LP FOR 845 EWING AVENUE, 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 February 16, 2016.

BRIAN CHEWCASKIE
CHAIRMAN

ALISON GORDON
SECRETARY

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 18-2016

Date: February 16, 2016

PROPOSED SANITARY SEWER EXTENSION – THE RESERVE AT FRANKLIN LAKES, 845 EWING AVENUE, FRANKLIN LAKES BLOCK 3104, LOT 1, BLOCK 3105 LOT 1, BLOCK 3205 LOT 2, BLOCK 3206 LOTS 1, 1.01, 1.02 & 2, BLOCK 3207 LOTS 3 & 5, BLOCK 3208 LOTS 2, 3 & 4 BOROUGH OF FRANKLIN LAKES, NEW JERSEY

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”) by Toll XII LP (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension to be located at 845 Ewing Avenue in the Borough of Franklin Lakes (hereinafter referred to as the “Property”); and

WHEREAS, the Property proposes to provide sanitary sewer service to a 60 single family homes, 160 townhomes, 55 multifamily condominiums and a clubhouse in the Borough of Franklin Lakes; and

WHEREAS, the Authority’s technical advisor has reviewed the application and the documents and drawings submitted in support thereof and has determined that the submission is incomplete for the following reasons:

1. Municipality endorsements on the Treatment Works Application for the property;
2. Engineer’s signatures on the Treatment Works Application
3. Municipality resolution authorizing endorsement of the Application; and

WHEREAS, the technical advisor recommends that the Authority approve the Property contingent upon the submission of the above listed items and subject to fulfillment of certain terms and conditions, finding that when completed, the Property will contribute an average daily flow of 78,922 gallons per day (gpd), or 278 additional residential EDUs to the Authority’s systems.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application made by Toll XII LP for approval of a proposed sanitary sewer extension to be located at 845 Ewing Avenue in the Borough of Franklin Lakes be approved contingent upon the submission of the missing items listed in paragraph 3 and upon the condition that the Applicant, its principals, agents, successors or assigns fulfill the following terms and conditions:

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 18-2016

Date: February 16, 2016

PROPOSED SANITARY SEWER EXTENSION – THE RESERVE AT FRANKLIN LAKES, 845 EWING AVENUE, FRANKLIN LAKES BLOCK 3104, LOT 1, BLOCK 3105 LOT 1, BLOCK 3205 LOT 2, BLOCK 3206 LOTS 1, 1.01, 1.02 & 2, BLOCK 3207 LOTS 3 & 5, BLOCK 3208 LOTS 2, 3 & 4 BOROUGH OF FRANKLIN LAKES, NEW JERSEY

1. The construction shall conform to all applicable requirements of Borough of Franklin Lakes;
2. The installation of the sewers and appurtenances be inspected and approved by the Borough of Franklin Lakes;
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 Property;
6. That any manholes constructed or modified by reason of this Property 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 Property;
8. That the Authority be notified by the Applicant or its designee prior to commencement of sanitary sewer installation;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 18-2016

Date: February 16, 2016

PROPOSED SANITARY SEWER EXTENSION – THE RESERVE AT FRANKLIN LAKES, 845 EWING AVENUE, FRANKLIN LAKES BLOCK 3104, LOT 1, BLOCK 3105 LOT 1, BLOCK 3205 LOT 2, BLOCK 3206 LOTS 1, 1.01, 1.02 & 2, BLOCK 3207 LOTS 3 & 5, BLOCK 3208 LOTS 2, 3 & 4 BOROUGH OF FRANKLIN LAKES, NEW JERSEY

- 9. That prior to placing this connection into service, the Applicant must submit to the Authority for approval NJDEP Form WQM-005; and
- 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 Property as may be required by governmental agencies having jurisdiction thereover.

CHAIRMAN

SECRETARY

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 19-2016

Date: February 16, 2016

**PROPOSED SANITARY SEWER EXTENSION – WYCKOFF AVENUE
BETWEEN PARSOLE COURT AND WEST CRESCENT AVENUE
TOWNSHIP OF MAHWAH, NEW JERSEY**

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”) by the Township of Mahwah (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension and water main installation to be located at Wyckoff Avenue from Parsole Court to West Crescent Avenue (hereinafter referred to as the “Project”); and

WHEREAS, the Project proposes to provide sanitary sewer service to five (5) residential dwellings on Wyckoff Avenue in Mahwah, New Jersey; and

WHEREAS, the average flow of this project would 1,500 gallons per day, or five (5) additional residential EDUs to become tributary to the Authority from Mahwah; and

WHEREAS, the Authority’s technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated February 9, 2016 has recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions; and

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application of the Township of Mahwah for approval of a proposed sanitary sewer extension to be located at Wyckoff Avenue in the Township of Mahwah, New Jersey be approved upon 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 Township of Mahwah;
2. The installation of the sewers and appurtenances be inspected and approved by the Township of Mahwah;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 19-2016

Date: February 16, 2016

**PROPOSED SANITARY SEWER EXTENSION – WYCKOFF AVENUE
BETWEEN PARSOLE COURT AND WEST CRESCENT AVENUE
TOWNSHIP OF MAHWAH, NEW JERSEY**

3. Observation and approval by the Authority of infiltration/exfiltration testing, with the Authority to receive 2 days advanced notice prior to the testing of all newly constructed sewers;
4. Reimbursement to the Authority by the applicant for all engineering expenses incurred by the Authority for inspection and final 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 “Certification for approval by the Local Agency”;
10. That the Applicant comply with the rules and regulations of the Authority and the New Jersey Department of Environmental Protection; and be it

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 19-2016

Date: February 16, 2016

**PROPOSED SANITARY SEWER EXTENSION – WYCKOFF AVENUE
BETWEEN PARSOLE COURT AND WEST CRESCENT AVENUE
TOWNSHIP OF MAHWAH, NEW JERSEY**

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 there over.

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 February 16, 2016.

CHAIRMAN

SECRETARY

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 20-2016

Date: February 16, 2016

**RESOLUTION RATIFYING EMERGENCY PURCHASES AND CONTRACTS
CAUSED BY FAILURE OF BACKUP GENERATOR AT DARLINGTON PUMP
STATION, MAHWAH, NEW JERSEY**

WHEREAS, on or about December 22, 2015, the Northwest Bergen County Utilities Authority backup generator at the Darlington Pump Station located in Mahwah, New Jersey failed its weekly generator test and was non-operable; and

WHEREAS, due to the location of the pump station being on the shores of the Ramapo River, any power outage experienced without a backup source of power would cause a spill into the Ramapo River causing the potential for a public safety and health concern; and

WHEREAS, Howard Hurwitz, Authority Executive Director, being fully informed in the premises, determined that such failure manifested the clear likelihood that without a backup source of power, a power outage would cause a spill into the Ramapo River, clearly endangering the public health and welfare and filed the necessary Emergency Procurement Report with the Director of Local Government Services (copy attached); and

WHEREAS, in reliance upon the determination of the Executive Director, and for the duration of the said failure, the Northwest Bergen County Utilities Authority arranged for the emergency purchase of contractors and transporters, all in reliance upon N.J.S.A.40A:11-6; and

WHEREAS, the costs for the emergency purchases related to the Darlington Pump Station backup generator came to a total of \$39,324.03 and were provided by Rapid Pump & Meter Service, Co. Inc. and Cummins Power Systems, LLC.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 20-2016

Date: February 16, 2016

RESOLUTION RATIFYING EMERGENCY PURCHASES AND CONTRACTS CAUSED BY FAILURE OF BACKUP GENERATOR AT DARLINGTON PUMP STATION, MAHWAH, NEW JERSEY

NOW, THEREFORE, BE IT RESOLVED, that the determination of the existence of a public health emergency on and after December 22, 2015 by the Executive Director of the Northwest Bergen County Utilities Authority on account of said backup generator failure be and the same is herewith ratified; and it is

FURTHER RESOLVED, that all emergency purchases and contracts within the meaning and purview of N.J.S.A.40A:11-6 made by the Authority on account of, and to abate costs incurred by the backup generator failure after December 22, 2015, as the same affected the Authority's wastewater treatment plant and supporting facilities be and the same are confirmed to be emergency purchases and contracts within the meaning of the statute authorizing the same.

CHAIRMAN

SECRETARY

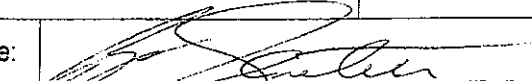
Table with 10 columns (Bonagura, DaPuzzo, DePhillips, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Chewcaskie) and 7 rows (Offered, Seconded, Aye, Nay, Absent, Abstain, Recuse).

N.J. Division of Local Government Services

EMERGENCY PROCUREMENT REPORT

This report is to be filed by the contracting agent of the public agency with the Director of the Division of Local Government Services within 30 days of the date the emergency contract was issued. Please provide the necessary information to satisfactorily complete the report. Refer to the Instructions accompanying this form and the statutory and regulatory citations on the reverse of this form.

This form is designed to be completed using Microsoft Word; if not completed that way, please print it out.

1. Name of Public Agency:	NW Bergen County Utilities Authority	County:	Bergen
2. Date Emergency occurred:	12/22/15	Time emergency occurred:	3:00 pm
3. Date emergency declared:	12/22/15	Time emergency declared:	3:00 pm
4. Agency/department responsible for determining there was an emergency:	Operations / Collections		
5. Name and title of the official in charge of that agency:	Robert Genetelli, Superintendent		
6. Describe the condition or circumstance pertaining to the emergency (attach additional sheets if necessary): NBCUA's backup generator at the Darlington Pump Station, located in Mahwah NJ failed its weekly generator test and was non-operable. Since the pump station is located on the shores of the Ramapo River, any power outage experienced without a backup source of power, would cause a spill into the Ramapo River. To supply ample protection from this potential public safety and health concern an emergency portable generator was procured and placed on site and an emergency repair was arranged to fix the existing generator.			
7. Name and title of the individual who determined the matter was an emergency and authorized award of contract(s):	Robert Genetelli, Superintendent		
8. The total (or estimated) cost of providing the goods or performing services was:	<\$60,000.00		
9. List the names the contractors/suppliers receiving 25% or more of the contracts awarded under the emergency:			
Rapid Pump & Meter Services Co., Inc (portable generator)			
Cummins Power Systems, LLC (repair of Cummins backup generator)			
10. When was the notification reduced to writing and filed with the purchasing agent?	01-18-2016		
11. Has the public agency adopted a "chain of command" procedure pursuant to N.J.A.C.5:34-6.1?	Yes		
This report was completed by (name and title):	Robert M. Genetelli, Superintendent		
Name and Address of agency contact person:	Robert M. Genetelli, 30 Wyckoff Ave, Waldwick NJ 07463		
Signature:			Date: 01-18-2016

Submit by mail or fax to:

Director, Division of Local Government Services
P.O. Box 803
Trenton, New Jersey 08625-0803
Fax: 609-633-6243

