

# **NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

## **NOTICE**

### **REGULAR MEETING**

#### **Northwest Bergen County Utilities Authority**

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020 declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Northwest Bergen County Utilities Authority does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Northwest Bergen County Utilities Authority Work Session and Regular meeting scheduled for Tuesday, May 19, 2020 at 7:00 p.m. at the offices of the Northwest Bergen County Utilities Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey will be held via Zoom ONLY. Formal action may be taken at this meeting. The agenda will be placed on the Northwest Bergen County Utilities Authority website, [nbcua.com](http://nbcua.com), at least 48 hours prior to the meeting. Members of the public who wish to participate in the meeting may do so by going to [Zoom.us](https://zoom.us) and entering the meeting ID of 840 3340 0283 and following the passcode **561813** at 7:00 P.M. Individuals calling into this number will be able to fully participate in the meeting, including providing public comment. A non-public dial in number will be used if executive session is required.

Alison Gordon, Secretary  
Northwest Bergen County  
Utilities Authority

May 15, 2020

# **NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

## **AGENDA REGULAR MEETING May 19, 2020**

1. Meeting called to Order
2. Open Public Meetings Act Statement
3. Roll Call
4. Chairman's Remarks
5. Approval of Minutes – Regular Meeting – April 21, 2020
6. Public Comments (any subject)
7. Consideration for approval list of Resolutions attached dated May 19, 2020
8. Report 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
9. Report of Treasurer
10. Report of General Counsel
11. Report of Consulting Engineer
12. Report of Executive Director
13. Report of Authority Engineer
14. Report of Superintendent
15. Old Business
16. New Business
17. Public Comments (on subjects 4 through 16)
18. Adjournment

May 15, 2020

# **NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

## **RESOLUTIONS**

**May 19, 2020**

## **CONSENT AGENDA**

- 58-2020 Approval of Payment of Vouchers, Payroll, Tax Deposits and Pensions and Benefits
- 59-2020 2019 Audit Corrective Action Plan Certification
- 60-2020 Authorization to enter into a Shared Services Agreement with the Borough of Franklin Lakes

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

---

**RESOLUTION**

**No. 58-2020**

**Date: May 19, 2020**

---

**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 April 2020 and Health Benefits and Dental Benefits transfers for May 2020; 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 listed 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 May 19, 2020 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account  
Net Payroll: \$210,424.02

ACCOUNT: Tax Deposit Account  
Total: \$92,995.08

ACCOUNT: Health Benefits Contribution Employer  
Total Transfer: \$110,182.24

ACCOUNT: Health Benefits Contribution Employee  
Total: \$4,688.85

ACCOUNT: Dental Benefits  
Total Transfer: \$4,245.61

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

---

**RESOLUTION**

**No. 58-2020**

**Date: May 19, 2020**

---

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

ACCOUNT: PERS and Contributory Insurance

Total Transfer: \$30,315.09

ACCOUNT: Operating Account

Total: \$421,069.72

ACCOUNT: General Improvement Account

Total: \$56,008.81

---

SECRETARY

---

CHAIRMAN

**RECORDED VOTE:**

	Bonagura	Duch	Jordan	Kelaher	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

---

**RESOLUTION**

**No. 59-2020**

**Date: May 19, 2020**

---

**2019 AUDIT CORRECTIVE ACTION PLAN CERTIFICATION**

**WHEREAS**, by Resolution 55-2020 the Commissioners of the Northwest Bergen County Utilities Authority have certified that they have received the 2019 annual audit and have personally reviewed the audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A 40A:5A-17; and

**WHEREAS**, the Audit includes Comments and Recommendations requiring action by the Authority; and

**WHEREAS**, N.J.A.C 5:31-7.6(i) requires "a corrective action plan, in the form of a resolution, to be adopted by the members of the governing body with respect to Comments and Recommendations made in the audit, shall be filed forthwith with the Division within 45 days of receipt of the annual audit"; and

**WHEREAS**, a corrective action plan addressing these Comments and Recommendations has been prepared by the Executive Director of the Authority; and

**WHEREAS**, the Commissioners of the Authority have reviewed this 2019 Correction Action Plan (attached hereto).

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Northwest Bergen County Utilities Authority the following:

1. The Commissioners hereby approve and adopt the 2019 Audit Corrective Action Plan.
2. The Secretary of the Authority is hereby directed to promptly submit to the Director of the Division of Local Government Services this Correction Action Plan, accompanied by a certified true copy of this resolution.

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

---

**RESOLUTION**

**No. 59-2020**

**Date: May 19, 2020**

---

**2019 AUDIT CORRECTIVE ACTION PLAN CERTIFICATION**

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority on May 19, 2020.

---

CHAIRMAN

---

SECRETARY

Roll Call:

	Bonagura	Duch	Jordan	Kelahr	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

**CORRECTIVE ACTION**

Name of Authority: Northwest Bergen County Utilities Authority

County: Bergen

Audit Year Ending: December 31, 2019

Contact Person: James Rotundo, Executive Director

Telephone Number: (201) 857-4574

**Finding 2019-01**

Description: The Authority has not updated the net other post-employment benefit obligation, net pension obligation, pension-related deferred outflow, accounts payable-pension or pension-related deferred inflow accounts to a measurement date acceptable under current accounting standards.

Corrective Action: The Authority relies on actuarial valuations that are provided by the State of New Jersey to update these accounts. At the time of the audit report release date, these valuations were not yet available. The Authority plans to update all future financial statements to comply with GASB No. 68 and 75 once these valuations are complete and have been made public by the State of New Jersey.

Implementation: Immediately.



**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

---

**RESOLUTION**

**No. 60-2020**

**Date: May 19, 2020**

---

**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 N.J.S.A. 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, 2019 with a termination date of May 31, 2020 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 and USEPA 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 for 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 Borough has adopted its Resolution No. 124-20 authorizing entering into a new shared services agreement with the Authority to receive the same services as previously provided; 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** by the Commissioners of the Northwest Bergen County Utilities Authority the following:

1. The 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
2. 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. 60-2020**

**Date: May 19, 2020**

---

**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 Board of Commissioners of the Northwest Bergen County Utilities Authority on May 19, 2020.

---

CHAIRMAN

---

SECRETARY

**RECORDED VOTE:**

	Bonagura	Duch	Jordan	Kelaheer	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

## SHARED SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of May 2020, 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 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.) 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 of Franklin Lakes and the NBCUA have researched the feasibility of entering into an agreement under the authority of Uniform Shared Services and Consolidation Act, whereby the NBCUA would provide to Franklin Lakes the services of a licensed sewer operator, and

WHEREAS, Franklin Lakes has adopted Resolution # 124-20, 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, 2020 and shall expire on May 31, 2021.
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. 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 1<sup>st</sup>, December 1<sup>st</sup>, March 1<sup>st</sup> and June 1<sup>st</sup> 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
2020 Non- Business hrs – emergency responses (per man)	\$ 110.61/hr
2021 Non- Business hrs – emergency responses (per man)	\$ 111.71/hr
2020 Business hours emergency/non-basic repair	\$ 88.50/hr
2021 Business hours emergency/non-basic repair	\$ 89.38/hr
Vac-out storm water catch basins/manholes (per man)	\$ TBD
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.

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

8. 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.

9. 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.

10. 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 the collection system.

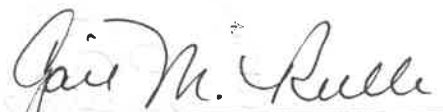
11. The NBCUA will provide a certificate of insurance designation Franklin Lakes as an additional insured, with the same limits and coverage as the NBCUA has in place with their current insurance programs.

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

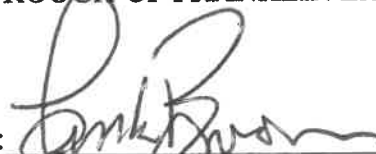
13. The terms of this Agreement shall constitute the entire understanding between the parties and may only be amended by a written document executed by both parties.

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

ATTEST:

  
\_\_\_\_\_  
Gail M. Rulli, Borough Clerk  
Date: 05-06-2020

BOROUGH OF FRANKLIN LAKES

By:   
\_\_\_\_\_  
Frank Bivona, Mayor

ATTEST:

\_\_\_\_\_

NORTHWEST BERGEN COUNTY  
UTILITIES AUTHORITY

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Resolution 124-20  
Shared Services Agreement – 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, 07463 has submitted a shared services proposal dated April 29, 2020 to provide such services;

**WHEREAS**, this agreement shall commence on or about June 1, 2020 and shall continue in effect until May 31, 2021; 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 29, 2020; and,

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

**I, Gail M. Rulli, 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 5<sup>th</sup> day of May 2020, at 7:30 P.M. in the Conference Room of the Municipal Building, a quorum being present.**

  
\_\_\_\_\_  
**Gail M. Rulli, Municipal Clerk**

**May 5, 2020**  
\_\_\_\_\_  
**Date**

