



**MINUTES
REGULAR MEETING
APR. 3, 2012**

1. The Chairman called the Meeting to order at 7:23 p.m.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Shafron, Dator. The following Commissioner was absent: Dachnowicz.
4. Salute to the Flag. The Salute to the Flag was led by the Chairman.
5. Chairman's remarks. The Chairman welcomed the Kenneth Gabbert as our new Commissioner and asked the Authority attorney to swear in Commissioner Gabbert.
6. Approval of Minutes.

Regular Meeting – Mar. 6, 2012. Commissioner Kasparian made a motion to approve the minutes as presented, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of approving the minutes as presented except Commissioners Gabbert and Salazer who abstained.

Special Emergency Meeting – Mar. 28, 2012. Commissioner Chewcaskie made a motion to approve the minutes as presented, seconded by Commissioner Kasparian. All Commissioners present voted in favor of the minutes as presented, except Commissioner Gabbert who abstained.

7. Public Comments. No public present except for County Counsel.

There was a consideration of a Resolution to discuss the appeal to the Local Finance Board as well as with the County Executive's most recent vetoes from last week and there is a Resolution to go into Closed Session to discuss the attending and potential litigation for those matters.

The Resolution to go into Closed Session was offered by Commissioner Kasparian, seconded by Commissioner Kelaher. All Commissioners present voted in favor of the Resolution. This Resolution will be given #CS Apr-2012.

The Commissioners went into Closed Session at 7:27 p.m.

The Commissioners went back into the Public Meeting at 7:55 p.m.

Counsel noted an addition on the agenda tonight which is a discussion and authorization to appeal to the Local Finance Board. This was discussed and the Chairman asked for any further comments.

Counsel noted, for the record, that there has been a draft Resolution distributed to all members and a copy was also given to the County Counsel.

Commissioner Chewcaskie offered the Resolution entitled "Authorization to Continue Appeal to the Local Finance Board", with an amendment to the third "WHEREAS" clause of the Resolution to read:

"WHEREAS, the Authority at a special meeting on March 28, 2012, although not required, cured any violations alleged by the County Executive in her letter of March 23, 2012 and by Resolution #31-2012, dated March 28, 2012 reauthorized an appeal to the Local finance Board from the Order."

The remaining text is to remain the same as drafted.

There were no comments from the public and no further discussion by the Commissioners.

The Resolution was seconded by Commissioner Kasparian. Upon roll call Commissioner Chewcaskie voted yes with reason stated that he believes it is prudent to proceed with this authorization. He had the opportunity to review the previous letter regarding violations of the Open Public Meetings Act and stated that his understanding of this act, the actions taken by the Authority at that meeting were appropriate for a number of reasons. The Authority was not required to open for public comments. The Public Meeting Act specifically provides that a meeting can be conducted through electronic means, there were Commissioners who participated by telephone conference. He feels there were no violations of the act. All Commissioners present voted in favor of the Resolution.

This resolution will be given #34-2012.

8. Consideration for approval list of Resolutions attached dated Apr. 3, 2012.

All Resolutions were discussed during the work session.

Resolution #32-2012. Approval of Vouchers, Payroll Transfers, Payroll Tax Deposits and Pensions and Benefits Transfers for the month of Mar. 2012 and Health and Dental Benefits for Apr. 2012. Payroll Account \$186,599.50; Tax Deposit Account , \$76,251.12; PERS and Contributory Insurance \$26,190.58;PERS Employer Liability \$378,934.00;Health Benefits Contribution Employer \$91,848.31; Health Benefits Contribution Employee \$1,364.41; Dental Benefits \$4,524.87; DCRP Employee Contribution \$27.08; DCRP Employer Contribution \$12.50; Operating Account \$116,786.54; 2010 WWT Project Account , \$25,241.02. Resolution was

offered by Commissioner Chewcaskie, seconded by Commissioner Kelaher. All Commissioners present voted in favor of the Resolution. Commissioner Chewcaskie voted yes but abstained on the payment to Kuiken Brothers.

Resolution #33-2012 Resolution to amend Resolution #21-2012 entitled “Resolution of the NBCUA approving and authorizing the 2012 Project; authorizing the issuance, sale and delivery of Utility System Subordinated Revenue Bonds, Series 2012 to the NJEIT and the State of New Jersey, respectively, in order to evidence obligations to repay certain loans to be made to the Authority; establishing certain terms and provisions of such Series 2012 Bonds and determining certain matters relating thereto; authorizing the execution and delivery of the Loan Agreements and the Escrow Agreement with the Trust and the State; authorizing the execution and delivery of the Trust Indenture and Second Supplemental Trust Indenture between the Authority and the Bank of New York Mellon; delegating to the Chairman, Vice-Chairman and Executive Director of the Authority the power and authority to determine certain terms of such Series 2012 Bonds; and authorizing officers of the Authority to take all other action necessary, advisable or incidental thereto” adopted on February 7, 2012.

The Resolution was offered by Commissioner Chewcaskie, seconded by Commissioner Kelaher. All Commissioners present voted in favor of the Resolution.

9. Reports of Committees (March 2012 Work Session Highlights)

The Chairman appointed Commissioner Gabbert to the Finance Committee and Commissioner Salazer to the Personnel Committee.

A. Finance Committee – Nothing further to report.

B. Personnel Committee – Nothing to report.

C. Insurance Committee – Nothing to report.

D. Operating Committee


•Franklin Lakes – Bonding is scheduled for May 2012.

•Plant Operations – Satisfactory

•UV Treatment System – Has been installed and awaiting testing.

•I&I Investigation – Will be meeting with Waldwick and Allendale and based on meeting input, Boswell Engineering will provide a program outline.

- E. Buildings & Grounds – Will be visiting the pump stations with Superintendent in the next few weeks and will report back at next meeting on recommended security measures.**
- 10. Report of Treasurer – We have \$10.7 million invested in short-term investments of which approximately \$1.5 million at TD Bank receiving no interest in lieu of fees. \$2.2 million at TD earning .06%, \$4.5 million at TD earning .09%. \$2.5 million at Bank of New Jersey earning 1.25%.**
 - 11. Report of Counsel – A written report was distributed to the Commissioners (copy attached).**
 - 12. Report of Engineer – A written report was distributed to the Commissioners (copy attached).**
 - 13. Report of Executive Director – No further report.**
 - 14. Report of Superintendent – No further report.**
 - 15. Old Business. No old business.**
 - 16. New Business. No new business.**
 - 17. Public comments (on subjects 8 through 17). No public comments.**
 - 18. Adjournment. Motion to adjourn was made by Commissioner Kasparian, seconded by Commissioner Kelaher. All Commissioners present voted to adjourn at 8:05 p.m.**


Madeline Thumudo, Secretary

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jazenn@sbflawfirm.com

TO: Northwest Bergen County Utilities Authority Commissioners

FROM: Jeffrey A. Zenn

DATE: March 30, 2012

RE: Monthly Counsel Report

CC: Howard Hurwitz, Executive Director
Madeline Thumudo, Administrative Assistant/Board Secretary

The following is a summary of our firm's activities on behalf of the Authority for the previous month.


1. Continue to work on various issues regarding the budget for 2012. This included various meetings, research, correspondence and conversations with the Chairman and Executive Director
2. Preparation of brief in support of appeal to Local Finance Board of the order of the Division of Local Government Services. Numerous communication, both written and telephone, with the Division of Local Government Services. Preparation of Certification of Chairman Dator in support of application.
3. Preparation of notices and agendas for special emergency meetings. Preparation of resolutions to go into closed session and to authorize appeal to Local Finance Board.
4. Communication with Richard Malagiere, Esq. concerning appeal to County Freeholders.

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5. Attend the Work Session, Public and Operating Committee meetings.
6. Provide correspondence to Executive Director regarding continuation of coverage of Commissioners under State Health Benefit Plan and transparency on-line program.
7. Receipt and review of press releases for accuracy.
8. Correspondence with attorneys concerning Darlington utility easement.
9. Receipt and review of TWA Permit for Inserra Supermarkets regarding Wyckoff application. Prepare Resolution authorizing same.
10. Receipt and review of County Executive's vetoes of Risk Manager appointment and Commissioner compensation. Prepare response to County Executive regarding Risk Manager. Correspondence to Chairman regarding compensation.
11. Work on and review title and easements for obtaining electrical easement in Ramsey for pump station.
12. Correspondence and communication with the Chairman and Executive Director concerning all of the foregoing.

If you have any questions, please contact me.

Respectfully submitted,



Jeffrey A. Zenn

NBUA-G1202

March 28, 2012

Mr. William Dator, Chairman
Northwest Bergen County Utilities Authority
30 Wyckoff Avenue at Authority Drive
P.O. Box 255
Waldwick, New Jersey 07463

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Re: Monthly Report – March 2012

Dear Mr. Dator:

The following is a brief summary of T&M's activities during the month of March.

Franklin Lakes Sewer Project – On March 13, 2012, a public meeting was held at the Franklin Lakes Municipal Building. A PowerPoint presentation on the project was made to the public and affected property owners. Also in attendance were Borough Officials and the Borough Engineer. Following the presentation, the meeting was opened up for questions from attendees. Also during March, work was completed on revisions to the sanitary sewer system as requested by the Borough and revisions to the pump station as a result of not using the Franklin Crossing wastewater treatment plant building. A meeting was held with the contractor to review the changes proposed and change order documents will be forwarded to the contractor for review and execution and subsequent approval by the DEP.

An important step in moving this project forward is coordination of a meeting between the contractor and Bryan Hekemian of Franklin Crossing. This meeting will be setup immediately upon the Authority and Franklin Crossing representatives finalizing the easement agreement.

Annual Report – A draft Annual Report has been forwarded to the Authority for final review. Upon receipt of any final comments, T&M will transmit twenty (20) copies for NBCUA use.

Wastewater Management Plan Amendment – A public notice has been published in the Star Ledger and official copies of the WMP have been distributed to the Bergen County Planning Department, the Bergen County Utilities Authority, and Ridgewood Water Pollution Control for comment. The public and the above three agencies have 60 days to provide comment. If no comments are received, the NJDEP can proceed to final notice approval. If comments are received, they will need to be addressed prior to final notice of an approval.

Oakland Sewer Service – During March, there was no further action required of T&M regarding the Borough's efforts to investigate sewer service by NBCUA.

Ultraviolet Disinfection System Improvements – The contractor has commenced final checking of channel and equipment construction and subject to confirmation that channel construction is complete, all remaining UV equipment will be installed. Initial testing and startup and training is scheduled for the week of April 2. Performance testing is scheduled for the week of April 9.



NBUA-G1102
March 28, 2012
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*Le: Mr. William Dator, Chairman
Northwest Bergen County Utilities Authority*


Re: Monthly Report – March 2012

Aeration Blower Improvements – T&M has finalized an updated report regarding options available for Aeration Blower Improvements for Authority review and discussion. Copies of the report have been submitted under separate cover.

Grease Separation Facility Pilot Test – NJDEP has approved the Authority request to proceed with the pilot test of the proposed grease separation facility.

If you have any questions or require additional information, please advise.

Very truly yours,



KEITH W. HENDERSON, P.E.
SR. VICE PRESIDENT

KWH:JJM:scb

cc: Authority Commissioners
Howard Hurwitz, Executive Director
Robert Genetelli, Superintendent
Jeffrey Zenn, Esq.

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