



**MINUTES
REGULAR MEETING
SEPT. 4, 2012**

- 1. The Chairman called the Meeting to order at 8:00 p.m.**
- 2. The Chairman read the statement in compliance with C.231, PL 1975.**
- 3. Roll Call: the following Commissioners were present: Dachnowicz, DaPuzzo, Gabbert, Kasparian, Kelaher, Plumley, Salazer and Chewcaskie. Commissioner DePhillips was absent.**
- 4. Salute to the Flag. The salute to the Flag was led by the Chairman.**
- 5. Chairman's remarks. The Chairman had no remarks at this time.**
- 6. Approval of Minutes.**

Regular Meeting – July 10, 2012 - Commissioner Kasparian made a motion to approve the minutes as presented, seconded by Commissioner DaPuzzo. All Commissioners present voted in favor of approving the minutes as presented.

- 7. Public Comments (any subject). There were no public comments.**
- 8. Consideration for approval list of Resolutions attached dated Sept. 4, 2012.**

All Resolutions had been discussed during the work session.

Commissioner Kasparian moved Resolutions #51-2012, 53-2012, 54-2012 and 55-2012. Seconded by Commissioner Gabbert. All Commissioners present voted in favor of these Resolutions.

Commissioner Dachnowicz moved Resolution #52-2012, seconded by Commissioner Kelaher. Commissioners Dachnowicz, Kasparian, Kelaher, Plumley and Salazer voted in favor of the resolution. Commissioner Gabbert voted no and Commissioners DaPuzzo and Chewcaskie recused from voting.

Resolution #51-2012. Approval of Vouchers, Payroll Transfers, Payroll Tax Deposits and Pensions and Benefits Transfers for the months of July and August 2012 and Health and Dental Benefits for August and Sept. 2012. Payroll Account – July \$191,940.07; Tax Deposit Account - July, \$72,911.42; PERS and Contributory Insurance - July \$27,122.40; Health Benefits

Employer - August \$91,511.60; Health Benefits Employee - August \$2,435.66; Dental Benefits - August \$4,372.31; DCRP Employee August \$22.92; DCRP Employer – August \$12.50; Operating Account – August \$300,797.79; 2009 WWT Project Account – August, \$23,302.47; Payroll Account – August \$287,497.15; Tax Deposit Account – August \$110,016.37; PERS & Contributory Ins. – August \$26,126.96; Health Benefits Employer – Sept. \$89,819.30; Health Benefits Employee – Sept. \$2,435.66; Dental Benefits – Sept. \$4,308.81; Operating Account – Sept. \$209,759.41; 2012 WWT Project Account – Sept. \$559,165.93.

Resolution #52-2012 Retention of Risk Manager Pursuant to N.J.S.A.19:44a-20.4. This Resolution authorizes the Appointment of Alamo Insurance Group, 8419 Bergenline Ave., North Bergen, N.J. as the Authority's Risk Managers as recommended in the by-laws of the NJUAJIF at a not to exceed amount of 3.25% of the NJUAJIF's assessment.

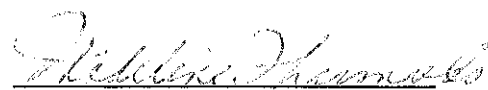
Resolution #53-2012 Authorization for Chairman to execute Public Relations Services Agreement. This Resolution authorizes the appointment of McEntyre Associates as public relations professionals for the Authority for a twelve month period at a price of \$2,000 per month not to exceed \$24,000.00.

Resolution #54-2012 Resolution to amend Labor Counsel's Professional Services Contract. The original resolution and professional services agreement with the firm of Eric M. Bernstein & Associates as General Counsel capped compensation at \$10,000 and that in the event it anticipates it will exceed that amount, further authorization from the Authority is required. The Bernstein Firm has advised the Authority that due to litigation, counsel fees for such litigation will cause the overall compensation to the Bernstein Firm to exceed the \$10,000 cap. The cost of this litigation has been estimated at \$20,000. The resolution authorizes the legal services to be increased by \$20,000 subject to the same terms and conditions of the Authority's prior approval.

Resolution #55-2012. Resolution to increase the fee for services of Douglas M. Bern, Esq. Of Kaufman, Bern, Deutsch & Leibman, LLP to provide the legal professional services required for the Franklin Lakes Sanitary Sewer Project (Project #S340700-09). In addition to legal services associated with funding, additional services associated with the acquisition of property easements, including easement agreements, and the preparation of project agreements and sewer service implementation ordinances with the Borough of Franklin Lakes required by the Authority, which had not been anticipated in the proposal and in order to successfully complete this project the cost of such additional services has been estimated at \$35,000. This resolution authorizes the legal services to be increased by \$35,000 subject to the same terms and conditions of the Authority's prior approval.

9. Reports of Committees

- A. **Finance Committee – Nothing further to report.**
 - B. **Personnel Committee – Nothing further to report.**
 - C. **Insurance Committee – Nothing further to report.**
 - D. **Operating Committee – attached written report.**
 - E. **Buildings & Grounds – Nothing further to report.**
10. **Report of Treasurer – We have \$2.6 million with TD Bank receiving no interest in lieu of fees; \$3.4 million invested in short term investments with TD Bank receiving .10% and approximately \$2.7 million with 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 – Nothing further to report.**
 14. **Report of Superintendent – Nothing further to 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 Plumley. All Commissioners present voted to adjourn at 8:10 p.m.**


Madeline Thumudo, Secretary

Northwest Bergen County Utilities Authority
Operating Report August 2012

- 1) Plant Operations – Average plant flows for the month of August continues to average only 7.5 mgd, considerably below the average for the early part of the year. Monthly flow has not been this low since the drought of 2002. Plant operation continues to be satisfactory.

We continue to receive communications from the Borough of Waldwick on the subject of plant odors. A meeting is scheduled with Mayor Giordano and Councilman Palladino on September 7 to discuss the issue. We have contacted the borough about the many odor reports from the police department (all off hours) and assume this will be one of the issues to be discussed.

There have been 3 more odor complaints during the month of August, all by the Waldwick police.

2) Franklin Lakes Interceptor

- a. Project Status – NBCUA is now receiving copies of T&M inspection reports and job photos. Work has progressed along Susquehanna Ave. to Pulis Ave. Next phase will be at Franklin Crossing Shopping Center. Work is also planned on Franklin Ave. at the RR crossing.
- b. Easements – The final easement agreement is in place (car wash).
- c. Change Order Status
- Meetings have been held with UUC to discuss project change orders. These include relocation of the pump station at Franklin Crossing and changes in invert elevations. UUC has provided cost information to T&M. T&M will evaluate and present to Authority with recommendations.
 - T&M has prepared cost estimates for extending the interceptor on Pulis Avenue, north and south under the RR tracks. Estimate based on unit pricing is \$170k - \$190k. Option to be considered by Commissioners based on discussions with Franklin Lakes' governing body.

- 3) 2013 Budget Calendar – The 2013 Budget Calendar has been prepared and is attached. Our auditor has completed the 6 month financial review and has the following findings:

- Income for the six month period exceeded budgeted amount by \$100,888.
- Expenses for the same period were \$229,245 below budget.

The 2012 budget was developed to provide a 2% reduction in service charges to our member municipalities by recognizing that funds from our Bond Reserves would become available during 2012. Reducing the service charges required the allocation of \$180,000 in unrestricted assets in addition to these funds to close the gap.

While the financial review indicates that we are operating some \$330,133 in the black, the analysis shows that without these additional funds (as revenue) we have about a \$40,000 surplus for the period.

This information will be distributed to the Finance Committee for review.

Physical inventory required by our 2011 Audit will be completed by the end of August.

- a. 2013 Capital Budget – A Preliminary Capital Budget memo is attached.

- b. 2013 Operating Budget – Preparation of the 2013 Operating Budget has begun.
- c. Rate Stabilization Program – Auditor has been requested to update the Rate Stabilization Program (5 year) taking into account the revised debt service information. The proposed budget should be available in September.

4) I&I Collection System Investigations

- a. Waldwick – Boswell Engineering has completed Phase I of the I&I investigations, specifically Data Collection and Meetings and prepared an implementation plan consistent with the requests of the Borough Administration. The Plan featured an investigation of unmetered areas in an attempt to identify excessive inflow. After some investigation regarding the fee agreement between Waldwick and Wyckoff, it appeared that the Borough of Wyckoff was paying an annual fee per EDU based on the rate paid by Waldwick. On this basis, measured flow would not enter into the equation.

A meeting was held with Boswell Engineering to discuss a more productive investigation. It was agreed that we should refocus the investigation on potential infiltration into our interceptor as it flows through Waldwick. Activities include review of all existing flow data and testing and potential sonar testing of the interceptor for potential breaks.

- b. Allendale – Boswell Engineering has completed Phase I of the I&I investigations, specifically Data Collection and Meetings and has prepared an implementation plan consistent with the requests of the Borough Administration. The Plan features an investigation of low lying areas subject to inflow from sump pumps, etc. The areas are identified in a proposal. We recommend that the work proceed with the expectation that fall rainstorms will provide a clear indication of the I&I.

5) Sludge Incineration

- a) IDI Incinerator Rebuild - Chavond-Barry has conducted an engineering investigation and prepared preliminary recommendations concerning the rehabilitation of the IDI incinerator. The IDI incinerator can be restored to operating condition with a minimum of repair work. Estimates for mechanical and refractory work are in the range of \$50,000. It is recommended that this work be carried out as soon as practical.
- b) Emission Testing - Emission testing of the rebuilt Niro Incinerator was performed May 8-10, 2012. The results (consultant's report) have been received and it appears the test was successful. This is the final step in the rebuilding contract. The test also shows emission controls will be required to meet the new mercury emission limits.
- c) SSI MACT Compliance - We have begun an investigation of system retrofits necessary to meet the new SSI emission regulations. IDI has made a technology presentation and another is scheduled with Chavond-Barry. We have contacted AEA to suggest a subcommittee of incinerator operators to coordinate compliance options. A meeting is planned with other NJ incinerator operators for September 5 or 6.

- 6) Strategic Plan – As a part of our Rate Stabilization program we have decided it is in our best interest to formalize a Strategic Plan for the future. The Authority has performed a number of studies during the past several years evaluating build-out opportunities to improve plant capacity. The Chairman has made appointments to a Strategic Plan subcommittee.

- a) Personnel - Several issues have been discussed with our Labor Counsel. These are considered confidential at this time.

7) Miscellaneous

a) Insurance Risk Manager – Authority received responses to RFP for JIF Insurance Risk Manager on August 24. The responses were:

- Alamo Insurance Group North Bergen, N.J, 3.25% of JIF assessment
- Brown & Brown Insurance Florham Park, N.J. 5% of JIF assessment
- Nelson-Patterson Agency, Inc. New Milford, N.J. 6% of JIF assessment

The Authority's Insurance Assessment for 2012 was \$294,296.

- Fee at 6% is \$17,658
- Fee at 5% is \$14,715
- Fee at 3.25% is \$9,565

b) Midland Park – Midland Park has officially abandoned its pump station and has redirected flow from the 68 homes served by this facility to the Village of Ridgewood. Revenue loss at present Service Charge rates is about \$23,000 annually. In addition, the Authority will no longer operate the pump station for the Borough, but has been ask for a proposal to serve as “system operator”.

c) Attorney's Fees

- Bergen Record has issued an OPRA request for attorney fees associated with the County Executive lawsuits.
- Agreement with Eric Bernstein to be revised to address additional labor issues.
- Agreement with Doug Bern to be revised to include additional costs.

d) Oakland Sewer Update - Crew Engineers has completed their Conceptual Feasibility Analysis Report and submitted it to the Highland Council. They should hear back from the HC shortly and will then be able to really start addressing some specifics.

e) Trap Grease Demonstration Program – The Authority last awarded a contract to Rapid Pump & Meter on October 4, 2011. The contract has not been executed by the successful bidder presumably due to financing issues. The Authority met with several consultants attempting to provide due diligence for investors in this project.

At the same time we have been contacted by representatives of North American Biofuels Company, who claim they have an operating facility in Bridgeport, CT. The staff has requested more information and the opportunity to visit the Bridgeport facility.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
2013 BUDGET CALENDAR

- | | |
|------------------------------------|---|
| Sept. 4, 2012 | Distribution of 2013 Preliminary Capital Budget |
| Oct. 2, 2012 | Capital Budget submitted to Commissioners for their Consideration and recommendation. |
| Oct. 2, 2012 | Capital Budget approved by Commissioners, 2013 Preliminary Budget Draft submitted to Commissioners for their review, consideration and Recommendations. |
| Oct. 2, 2012
(Special Meeting) | 2013 Preliminary Budget Meeting for approval of Preliminary Budget for submission to Division of Local Government by Nov. 1, 2012 and submission to Trustee, Consulting Engineer and municipalities. Declare a Public Hearing to be held. |
| *Nov. 1, 2012 | Submit budget to Division of Local Government (they have 45 days to review)(3 copies) |
| Nov. 11, 2012 | <u>Deadline</u> for publishing and advertising 2013 Budget Meeting (Paper should receive by Nov.4, 2012). |
| Nov.30, 2012 | <u>Deadline</u> for submission of Preliminary Budget to Trustee, Engineer and member towns. |
| Dec. 4, 2012
(Special Meeting) | <u>Public Hearing</u> on 2013 Budget. |
| Dec. 4, 2012
(Approval Meeting) | <u>Adoption</u> (if verbal or written approval is received from Div. of Local Government). |
| Dec.18, 2012
(Special Meeting) | Adoption of 2013 Budget if not adopted on Dec.4, 2012. (This meeting may not be needed if budget is adopted on Dec.4, 2012). |

*This date for submission is a requirement of the Local Authorities Fiscal Control Act.

bdgt.calendar.

SOKOL, BEHOT & FIORENZO

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jazenn@sbflawfirm.com

TO: Northwest Bergen County Utilities Authority Commissioners

FROM: Jeffrey A. Zenn

DATE: August 31, 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 two months.

1. Research, preparation and drafting of the Authority's Motion in Aid of Litigant's Rights against County Executive. Receipt and review of County Executive's objection to Motion and County Executive's Cross-Motion for relief. Research and preparation of brief in response thereto. Receipt and review of reply brief from County Counsel. Preparation of Authority's reply brief. Review, preparation and attendance at Judge Carver for oral argument on NBCUA's Motion in Aid of Litigant's Rights and the County Executive's Cross-Motion. Preparation of proposed form of Order under the five-day rule. Receipt and review of Final Judgment from Judge Carver.
2. Review Record OPRA request and coordinate response with Authority.
3. Correspondence to and from Underground Utilities Corp (UUC) relating to contract in Franklin Lakes seeking additional compensation. Meeting with UUC to discuss same. Review memo from T&M relating to same.

SOKOL, BEHOT & FIORENZO

4. Preparation of easement agreement for access to Ramsey pump station.
5. Review and revise notice and agenda for regular meeting.
6. Receipt and review of County Executive's veto letters.
7. Review Request for Qualifications of Risk Manager. Consideration of utilizing RFQ versus RFP. Prepare Request for Proposal for Risk Manager.
8. Preparation of Summary Judgment Motion against Bergen County Freeholders regarding Count IV of the Amended Verified Complaint. Preparation of Stipulation of Dismissal Without Prejudice against the Bergen County Freeholders. Numerous telephone conferences and correspondence with counsel for the Bergen County Freeholders.
9. Correspondence with attorneys regarding Inserra Supermarkets sewer connection in Wyckoff.
10. Receipt and review of County Executive's Notice of Motion for Leave to File Interlocutory Appeal. Preparation of response to same. Receipt and review of Appellate Division's denial of County Executive's Motion.
11. Receipt and review of Answer and Separate Defenses filed on behalf of individual Commissioners in suit brought by County Executive. Correspondence with counsel regarding Stipulation of Dismissal of that case.
12. Attend the Work Session, Public and Operating Committee meetings.
13. 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

July 24, 2012

Mr. Howard Hurwitz, Executive Director
Northwest Bergen County Utilities Authority
30 Wyckoff Avenue at Authority Drive
P.O. Box 255
Waldwick, New Jersey 07463

RECEIVED JUL 27 2012

Re: Monthly Report – July 2012

Dear Mr. Hurwitz:

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

Franklin Lakes Sewer Project – Underground Utilities Corporation (UUC) commenced with clearing of the sewer easement adjacent to the car wash property during the week of July 2, 2012. Pipe installation commenced on July 9, 2012 and the contractor has been installing the gravity sewer pipe and force main from MH 41 off of Franklin Avenue toward Susquehanna Avenue. As of July 23, 2012, the contractor is proceeding with sewer installation onto Susquehanna Avenue.

As reported last month, the contractor's attorney forwarded a letter to the Authority regarding the changes proposed under Change Order No. 1 and requested a meeting to discuss and negotiate fair compensation for the lowered sewer. Authority representatives and T&M Associates are scheduled to meet with the contractor's representatives to discuss this matter the week of July 30, 2012.

Also during the month of July T&M continued to review additional Borough requested changes including revisions to the slope of the Franklin Avenue sewer from the railroad to Colonia Avenue, extension of the gravity sewer to the end of Susquehanna Avenue and under the railroad on Pulis Avenue, extension of the sewer north on Pulis Avenue, and elimination of a section of sewer at the upstream end of Franklin Avenue. A separate letter has been forwarded to the Authority on these issues.

Lastly, we continue to receive returned survey forms from property owners fronting on the proposed sewer. These forms, which depict the property owners proposed sewer lateral location and sewer lateral depth, are reviewed the information is relayed to the T&M inspector and the contractor.

Annual Report – The Authority has requested the Darlington Road Pump Station interceptor be inspected for the 2013 Annual Report. T&M will perform the inspections in the fall.

Oakland Sewer Service – During the month of July, there was no action required of T&M Associates regarding the Borough's efforts to investigate sewer service by NBCUA. However, the Authority has suggested that the Authority Attorney commence work on preparing a draft agreement between the Borough and the Authority for sewer service.



NBUA-G1102

July 24, 2012

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*Le: Mr. Howard Hurwitz, Executive Director
Northwest Bergen County Utilities Authority*

Re: Monthly Report – July 2012

Ultraviolet Disinfection System Improvements – On June 27, 2012, the new UV system was started up and training of Authority staff was conducted. The new system is now in operation and performing satisfactorily.

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

Site Improvements (Paving and Slope Stabilization) – T&M met with Authority staff on July 12, 2012 to confirm scope and review existing conditions. T&M Associates has commenced design and preparation of plans and specifications for the project.

Darlington Road Pump Station Upgrades – NBCUA has requested T&M proceed with design of automatic valve operators for the suction gate valves at the Darlington Road Pump Station. A site visit is scheduled for July 26, 2012 to meet with Authority staff and review existing conditions.

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
Robert Genetelli, Superintendent
Jeffrey Zenn, Esq.

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NBUA-G1202

August 27, 2012

Mr. Howard Hurwitz, Executive Director
Northwest Bergen County Utilities Authority
30 Wyckoff Avenue at Authority Drive
P.O. Box 255
Waldwick, New Jersey 07463

Re: Monthly Report – August 2012

Dear Mr. Hurwitz:

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

Franklin Lakes Sewer Project – Underground Utilities Corporation (UUC) has been proceeding with installation of sanitary sewer along Susquehanna Avenue. The contractor has completed installation of the sewer and force main up to almost the end of Susquehanna Avenue and will extend the sewer to the intersection with Pulis Avenue as requested by the Authority and the Borough. Once the contractor has completed that work, it will shift operations to the Franklin Crossing property and will begin installation of gravity sewer and force main from the pump station heading up toward Franklin Avenue.

During the month, the easement agreement with the Carwash property owner was finalized and sent to the property owner for execution.

Earlier this month, T&M Associates and the Authority Attorney met with representatives of UUC and their attorneys to discuss compensation for lowering sewers on the various roads within the project. At the meeting it was agreed that all of the changes, including the recent Borough requested changes, be incorporated into one change order. A second meeting will be held with UUC within the next week to ten days to come to an agreement on compensation for the changes. The final change order will include the original changes (lowering the sewer on Susquehanna Avenue, lowering the sewer on Pulis Avenue, and installing the 3" force main to the frontage of Mountains Shadows) and raising the Franklin Avenue sanitary sewer under the railroad as the result of the deeper water main. Recent changes also to be incorporated in the change order include the following: eliminate the upstream end of Franklin Avenue sewer and extend the Susquehanna Avenue sewer to the intersection of Pulis Avenue. (In addition, we have provided under separate cover, estimated costs for potential additional gravity sewer extensions north on Pulis Avenue and south under the railroad tracks to Tice Lane.

Annual Report – The Authority has requested the Darlington Road Pump Station interceptor be inspected for the 2013 Annual Report. T&M will perform the inspections in the fall.

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



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August 27, 2012
Page 2

*Le: Mr. Howard Hurwitz, Executive Director
Northwest Bergen County Utilities Authority*

Re: Monthly Report – August 2012

Authority suggested its Attorney commence work on preparing a draft agreement between the Borough and the Authority for sewer service.

Ultraviolet Disinfection System Improvements – The contractor, who installed the UV disinfection system, conducted a 72 hour test of the new equipment from July 31 through August 2, 2012. At this time the new system is in operation and performing satisfactorily and we are awaiting the results of the 72 hour test prior to project closeout.

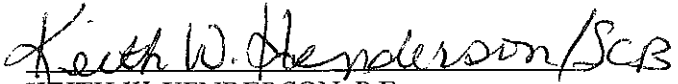
Grease Separation Facility Pilot Test – NJDEP has approved the Authority request to proceed with the pilot test of the proposed grease separation facility.

Site Improvements (Paving and Slope Stabilization) – T&M has completed the paving design and the associated construction documents. At this time we are working with Authority staff to develop an acceptable option for slop stabilization in the area of the upper roadway.

Darlington Road Pump Station Upgrades – A site visit was held at the pump station in late July to meet with Authority staff and review existing conditions. At this time T&M is preparing the construction documents and will forward to the Authority for review and comment.

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
Robert Genetelli, Superintendent
Jeffrey Zenn, Esq.

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