

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DaPuzzo

No. CSJULY10-2012.

Seconded by Commissioner Dachnowicz

Date: July 10, 2012

**AUTHORIZATION TO GO INTO CLOSED SESSION
TO DISCUSS PENDING AND POTENTIAL LITIGATION**

WHEREAS, the meetings of the Commissioners of the Northwest Bergen County Utilities Authority (the "Authority") are subject to the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq. ("OPMA"); and

WHEREAS, in accordance with the OPMA, the Authority may exclude the public from that portion of any meeting in which the Commissioners discuss pending and/or anticipated litigation in which the Authority is or may become a party or any matters falling within the attorney/client privilege; and

WHEREAS, the Commissioners wish to review and discuss: (i) the First Amended Verified Complaint filed by the Authority against the County Executive; (ii) the lawsuit filed by the County Executive against the Authority and seven of its commissioners individually and (iii) lawsuit filed against the Authority by a former employee.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Northwest Bergen County Utilities Authority go into closed session to discuss pending and/or anticipated litigation concerning the matters set forth above; and be it

FURTHER RESOLVED, that the matters to be discussed in closed session may be disclosed to the public at a time in the future when these issues have been resolved and such disclosure will not harm the Authority.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DaPuzzo


No. CSJULY10-2012.

Seconded by Commissioner Dachnowicz


Date: July 10, 2012

**AUTHORIZATION TO GO INTO CLOSED SESSION
TO DISCUSS PENDING AND POTENTIAL LITIGATION**

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 July 10, 2012.



CHAIRMAN



SECRETARY

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert,
Kelaher, Plumley, Salazer, Chewcaskie
Nays: None
Absent: Commissioner Kasparian

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by Commissioner Dachnowicz

No. 46 -2012.

Seconded by Commissioner Gabbert

Date July 10, 2012

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

RESOLVED,

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 Pension & Benefits transfers for the month of June 2012 and Health and Dental Benefits transfers for July 2012; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pension 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, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pension & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated July 10, 2012 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT:	PAYROLL ACCOUNT
NET PAYROLL:	\$238,778.05

ACCOUNT:	TAX DEPOSIT ACCOUNT
TOTAL:	\$ 90,535.34

ACCOUNT:	PERS AND CONTRIBUTORY INSURANCE
TOTAL TRANSFER:	\$ 26,776.41

ACCOUNT:	HEALTH BENEFITS CONTRIBUTION EMPLOYER
TOTAL TRANSFER:	\$ 92,429.25

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RESOLUTION**

Offered by: Commissioner Dachnowicz

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Seconded by: Commissioner Gabbert

Date: July 10, 2012

**ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYEE
TOTAL: \$ 1,351.29**

**ACCOUNT: DENTAL BENEFITS
TOTAL TRANSFER: \$ 4,347.55**

**ACCOUNT: DCRP - EMPLOYEE - JULY
TOTAL TRANSFER: \$ 22.92**

**ACCOUNT: DCRP - EMPLOYER - JULY
TOTAL TRANSFER: \$ 25.00**

**ACCOUNT: OPERATING ACCOUNT
TOTAL: \$329,332.38**

**ACCOUNT: 2010 WWT PROJECT ACCOUNT
TOTAL: \$ 289.65**

**ACCOUNT: 2012 WWT PROJECT ACCOUNT
TOTAL: \$171,101.04**


SECRETARY


CHAIRMAN

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert,
Kelaheer, Plumley, Salazer, Chewcaskie
Naves: None
Absent: Commissioner Kasparian

NORTHWEST BERGEN UTILITIES AUTHORITY

RESOLUTION

Offered by: Commissioner DaPuzzo

No. 47-2012

Seconded by: Commissioner DePhillips

Date: July 10, 2012

CANCELLATION OF AUGUST MEETINGS

RESOLVED,

WHEREAS, it has been determined by the Commissioners of the Northwest Bergen County Utilities Authority that no meetings be held during the month of August; and

WHEREAS, certain payments on contractual obligations of the Authority become due and payable during the month of August as do payments for professional services.

NOW THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that during the month of August 2012 the Executive Director and Administrative Assistant be and are herewith authorized to make payments on contractual obligations which become due and for professional services rendered, provided that all vouchers submitted therefore have been approved by the Authority Chairman. Also subject to review & approval of the bill list for the month of August by the Commissioners prior to Aug. 15, 2012.



CHAIRMAN



SECRETARY

Roll Call:

AS AMENDED: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert, Kelaher, Plumley, Salazer, Chewcaskie
Nays: None
Absent: Commissioner Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Dachnowicz

No. 48-2012

Seconded by Commissioner Gabbert

Date: July 10, 2012

**PROPOSED SANITARY SEWER EXTENSION – BOROUGH OF ALLENDALE, 265
WEST CRESCENT AVE.
BLOCK 910, LOTS 2, 17.01 & 17.02**

RESOLVED,

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”), by Calvary Lutheran Church of Allendale (hereinafter referred to as the “Applicant”), for approval of one proposed sanitary sewer connection/extension to serve three (3) new single family dwellings. The sewer extension is located off Ivers Road off West Crescent Avenue adjacent to Calvary Lutheran Church. The proposed extension will connect to the existing sanitary sewer located in Ivers Road. The proposed extension requires the installation of approximately 294 linear feet of 8 inch PVC sewer, two manholes and appurtenances; and

WHEREAS, the Authority technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated June 14, 2012, has recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions, finding that when completed, the Project will contribute an average daily flow of 900 gallons per day (gpd) from which three (3) additional residential EDUs will become tributary to the Authority’s system from the Borough of Allendale; and

WHEREAS, it is recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions by the Applicant;

NOW, THEREFORE, BE IT

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RESOLUTION

Offered by Commissioner Dachnowicz

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Seconded by Commissioner Gabbert

Date: July 10, 2012

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application of Calvary Lutheran Church of Allendale, 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 the Borough of Allendale;
- 2) that installation of the sewers and appurtenances be inspected and approved by the Borough of Allendale;
- 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 pays 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 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; 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

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RESOLUTION

Offered by Commissioner Dachnowicz

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Seconded by Commissioner Gabbert

Date: July 10, 2012

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 thereover.



SECRETARY


CHAIRMAN

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert,
Kelaher, Plumley, Salazer, Chewcaskie
Nays: None
Absent: Commissioner Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Dachnowicz

No. 49-2012

Seconded by Commissioner Gabbert

Date: July 10, 2012

**RESOLUTION TO AMEND GENERAL COUNSEL'S
PROFESSIONAL SERVICES CONTRACT**

WHEREAS, by **Resolution No. 13-2012**, 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 13, 2012; and

WHEREAS, by **Resolution No. 19-2012** (the "Original Resolution"), the Authority retained the firm of Sokol, Behot & Fiorenzo (the "Sokol Firm") as General Counsel to the Authority and authorized the Chairman to execute a Professional Services Agreement between the Authority and the Sokol Firm; and

WHEREAS, a Professional Services Agreement dated February 7, 2012 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 General Counsel's compensation to be capped at \$60,000.00 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, the Sokol Firm has advised the Authority that due to the litigation and appeals following the County Executive's veto of the Authority's 2012 budget, that counsel fees for such litigation will cause the overall compensation to the Sokol Firm to exceed \$60,000.00.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Dachnowicz

No. 49-2012

Seconded by Commissioner Gabbert

Date: July 10, 2012

**RESOLUTION TO AMEND GENERAL COUNSEL'S
PROFESSIONAL SERVICES CONTRACT**

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby amends the Original Resolution and the Professional Services Agreement by providing that representation by the Sokol Firm in any and all litigation which the Commissioners authorize General Counsel to represent the Authority's interests shall be outside of the compensation cap of \$60,000.00 but subject to the rates and all other terms and conditions of the Original Resolution and 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 July 10, 2012.



SECRETARY



CHAIRMAN

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert, Kelaher, Plumley, Salazer, Chewcaskie
Nays: None
Absent: Commissioner Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

MOTION

NO. 1

OFFERED BY: COMMISSIONER DAPUZZO

SECONDED BY: COMMISSIONER DACHNOWICZ

DATE: July 10, 2012

MOTION TO AUTHORIZE ATTORNEY ZIEGELHEIM TO TAKE THE APPROPRIATE ACTION IN ORDER TO DEFEND THE AUTHORITY REGARDING THE ALVAREZ CASE WHICH IS SUBJECT TO FORMAL RESOLUTION THAT HIS CONTRACT BE AMENDED FOR A CAP OF \$30,000 IN LIEU OF THE \$10,000 FROM THE FEBRUARY CONTRACT.

ROLL CALL:

AYES: COMMISSIONERS DACHNOWICZ, DAPUZZO, DEPHILLIPS, GABBERT, KELAHER, PLUMLEY, SALAZER AND CHEWCASKIE.

NAYES: NONE

ABSENT: COMMISSIONER KASPARIAN