

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Gabbert

No. CSJUNE5-2012

Seconded by Commissioner Salazer

Date: June 5, 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 Authority's appeal to the Local Finance Board from an order dated March 19, 2012 issued by the Director of the Division of Local Government Services; (ii) the First Amended Verified Complaint filed by the Authority against the County Executive; (iii) the lawsuit filed by the County Executive against the Authority and seven of its commissioners individually and (iv) 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 Gabbert

No. CSJUNE5-2012

Seconded by Commissioner Salazer

Date: June 5, 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 members of all Commissioners of the Authority eligible to vote at a regular meeting held on June 5, 2012.



SECRETARY



CHAIRMAN

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

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by Commissioner Kasparian

No. 41-2012.

Seconded by Commissioner DaPuzzo

Date June 5, 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 May 2012 and Health and Dental Benefits transfers for June 2012; and

WHEREAS, approval of payroll & tax deposits dealing with salary of Commissioners should not be paid. Direct deposits discontinued & payroll checks held at the Authority until there is an order of the court or further review of the matter that is pending in litigation, in order to comply with the law.

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 June 5, 2012 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT:	PAYROLL ACCOUNT
NET PAYROLL:	\$194,575.92

ACCOUNT:	TAX DEPOSIT ACCOUNT
TOTAL:	\$ 75,685.28

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by: Commissioner Kasparian

No. 41-2012. page 2

Seconded by: Commissioner DaPuzzo

Date: June 5, 2012

ACCOUNT: PERS AND CONTRIBUTORY INSURANCE
TOTAL TRANSFER: \$ 26,245.52

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYER
TOTAL TRANSFER: \$ 91,848.31

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYEE
TOTAL: \$ 1,364.41

ACCOUNT: DENTAL BENEFITS
TOTAL TRANSFER: \$ 4,414.82

ACCOUNT: DCRP EMPLOYEE CONTRIBUTION - MAY
TOTAL: \$ 27.09

ACCOUNT: DCRP EMPLOYER CONTRIBUTION - MAY
TOTAL: \$ 12.50

ACCOUNT: OPERATING ACCOUNT
TOTAL: \$421,480.65

ACCOUNT: 2009A PROJECT ACCOUNT
TOTAL: \$ 6,238.36

ACCOUNT: 2010 WWT PROJECT ACCOUNT
TOTAL: \$ 1,444.40



SECRETARY



CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 42-2012.

Seconded by Commissioner Gabbert

Date: June 5, 2012

RESOLUTION COMMENDING COMMISSIONER WILLIAM F. DATOR

WHEREAS, William F. Dator has served as a Commissioner of the Northwest Bergen County Utilities Authority since February 1992; and

WHEREAS, William F. Dator has devoted enormous time and effort in his capacity as Commissioner of the Northwest Bergen County Utilities Authority, serving for many years as the Chairman of the Authority Operating Committee and most recently as Chairman of the Authority; and

WHEREAS, the Commissioners of the Northwest Bergen County Utilities Authority, on behalf of the member municipalities, desire to express their gratitude and thanks to Mr. Dator for his productive services in the above capacity.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that William F. Dator be and is hereby formally commended for his time, effort and devotion to the performance of his duties as Commissioner of the Northwest Bergen County Utilities Authority.

SECRETARY

CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

OFFERED BY Commissioner Kasparian

No. 43-2012

SECONDED BY Commissioner DaPuzzo

DATE June 5, 2012

2011 AUDIT CORRECTIVE ACTION PLAN CERTIFICATION

WHEREAS, by Resolution 36-2012, the Commissioners of the Northwest Bergen County Utilities Authority certified that they received the 2011 annual audit, personally reviewed the audit, and 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 several General 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 the 2011 Audit Corrective Action Plan (attached hereto), and find it satisfactory.

NOW, THEREFORE BE IT RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority hereby approves and adopt the 2011 Audit Corrective Action Plan.

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Director of the Division of Local Government Services this 2011 Corrective Action Plan, accompanied by a certified true copy of this resolution.


SECRETARY


CHAIRMAN

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert,
Kasparian, Kelaher, Plumley, Salazer, Dator
Nayes: None
Absent: None



2011 AUDIT CORRECTIVE ACTION PLAN

Finding 2011-1

Description

Auditor's review of the inventory system revealed that the Authority does not perform a physical count of inventory on hand and also a verification of inventory values.

Recommendation

Recommended that the Authority perform a physical count and a verification of values on the inventory on hand.

Correction Action Plan

The Authority will assign staff personnel to perform a physical inventory count and verify quantity for all inventory items with a unit cost of \$100 or more.

General Comments

Description

The audit of the Financial Disclosure Statements (FDS) revealed that one Commissioner did not file the annual FDS for 2011.

Recommendation

Recommended that all Commissioners file the annual FDS.

Management Response

Commissioner will comply with the requirement to file the annual FDS. The Board Secretary will coordinate collection of the Statements which are to be electronically filed. The Secretary will inform the Commissioners of the potential fine associated with failure to submit the annual FDS.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian No. 44-2012.

Seconded by Commissioner DaPuzzo Date: June 5, 2012

**AUTHORIZATION TO SETTLE LITIGATION AND
ENTER INTO EASEMENT AGREEMENT
FOR FRANKLIN LAKES SANITARY SEWER PROJECT
FOR LOT 1.01, BLOCK 1400; LOT 1, BLOCK 1410 and LOT 2, BLOCK 1513
in the BOROUGH OF FRANKLIN LAKES**

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") previously determined to undertake the investigation and implementation of providing sanitary sewer service to portions of the Borough of Franklin Lakes (the "Project"); and

WHEREAS, in order to accomplish the acquisition of easements for the installation of the Authority's sanitary sewer infrastructure, the Authority had its engineering staff identify optimum routes for said infrastructure; and

WHEREAS, the Authority identified three (3) properties at this time which would be necessary for the build-out of the initial stage of the Project; and

WHEREAS, one of the three (3) properties is Lot 1.01, Block 1400; Lot 1, Block 1410; and Lot 2, Block 1513, as identified on the tax map of the Borough of Franklin Lakes, also known as Franklin Crossing, in the Borough of Franklin Lakes, New Jersey (the "Property"), and is owned by First Real Estate Investment Trust (the "Property Owner"); and

WHEREAS, the Authority has obtained appraisals and plans for the necessary easements to be acquired for the Project; and

WHEREAS, in December, 2011, the Authority commenced an eminent domain proceeding against First Real Estate Investment Trust, pursuant to N.J.S.A. 40:14B-34, entitled Northwest Bergen County Utilities Authority v. First Real Estate Investment Trust, et als., Docket No. L-10380-11, to obtain use of the necessary easements (the “Eminent Domain Action”) for the Project; and

WHEREAS, after extensive but inconclusive settlement negotiations, the Special Counsel for the Authority completed the taking of the Easement area pursuant to N.J.S.A. 40:14B-34; and

WHEREAS, the Authority and First Real Estate Investment Trust have now reached settlement terms in connection with the Eminent Domain Action as to the easement acquisitions on the Property with respect to the Project; and

WHEREAS, the Authority has agreed to pay the Property Owner the sum of Three hundred thousand (\$300,000) Dollars pursuant to the terms of an Easement Agreement as consideration for the use of the easements on the Property; and

WHEREAS, said sum is the amount set forth in the Authority’s appraisal of the Easement value; and

WHEREAS, in addition to the monetary consideration attributable to the easement acquisition, the Property Owner has requested that the following items be included or excluded, respectively, in the Easement Agreement (the “Additional Consideration”):

1. The Authority will accomplish the decommissioning of the Owner’s existing ‘package’ sewage treatment plant on the Property. The Property Owner will be responsible for obtaining permits therefore, and the Property Owner will be responsible for conducting any closure activity.
2. The Property Owner requested that a provision allowing the Authority to move the location of the Easement, with the Owner’s consent, was omitted from the Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Northwest Bergen County Utilities Authority, that the Authority hereby authorizes the Executive Director to execute a Stipulation of Settlement providing for the aforesaid Easement Agreement with First Real Estate Investment Trust as described herein, and to execute all documents in furtherance thereof; and

BE IT FURTHER RESOLVED that in connection with the terms of the Easement Agreement with First Real Estate Investment Trust, the Authority shall pay to First Real Estate Investment Trust, the sum of Three Hundred Thousand (\$300,000.00) Dollars as consideration for the use of the easements on the Property.

BE IT FURTHER RESOLVED that the formal action of the Commissioners of the Northwest Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

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 June 5, 2012. 5



SECRETARY



CHAIRMAN

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

K:\Heather Goldstein\NBCUA\2012 Resolutions\Res authorizing HH to sign Easent Agt for Franklin Crossing rev 5-4-12.doc

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 45-2012

Seconded by Commissioner DaPuzzo

Date: June 5, 2012

**AUTHORIZATION OF ADDITIONAL INFLOW & INFILTRATION (I&I) STUDIES
FOR ALLENDALE AND WALDWICK**

WHEREAS, by Resolution #77, dated Sept. 6, 2011 the Northwest Bergen County Utilities Authority (the "Authority") retained the firm of Boswell Engineering as Consulting Engineer for I&I Studies as set forth in their proposal dated August 16, 2011; and

WHEREAS, the Authority has evidence that a major source of I&I enters the sewer system in the Boroughs of Waldwick and Allendale and for that reason I&I Investigation should begin in those municipalities; and

WHEREAS, the Authority authorized Boswell Engineering to proceed with Task 1 in the proposal, namely Data Collection and Meetings with the Authority and the Borough of Waldwick at a cost not to exceed \$10,000, to be billed according to their rate schedule; and

WHEREAS, by Resolution #5-2012, dated January 5, 2012, the Authority authorized Boswell Engineering to proceed with a similar scope of work in the Borough of Allendale; and

WHEREAS, Boswell Engineering has completed the Data Collection and Meetings phase of the Study for both municipalities and has formulated a plan of action for each municipality based on meetings with the municipalities and with the Authority; and

WHEREAS, this plan is described in the Proposal from Boswell Engineering dated May 30, 2012 (attached) which requires additional funding in the amount of \$69,000 for the Boroughs of Allendale and Waldwick;

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the budget for additional I&I studies for the Boroughs of Allendale and Waldwick be increased by an amount not to exceed \$ 69,000; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 45-2012

Seconded by Commissioner DaPuzzo

Date: June 5, 2012

**AUTHORIZATION OF ADDITIONAL INFLOW & INFILTRATION (I&I) STUDIES
FOR ALLENDALE AND WALDWICK**

FURTHER RESOLVED, that the Secretary is hereby directed to cause notice hereof to be published as required by law.



CHAIRMAN



SECRETARY

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



May 30, 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: Proposal for Engineering Consulting Services
Rainfall Derived Inflow & Infiltration (I/I)
Reduction Study
Boroughs of Waldwick and Allendale
Northwest Bergen County Utilities Authority
Our File No. PR-11-3918

Dear Mr. Hurwitz:

Pursuant to your request, Boswell Engineering (Boswell) is pleased to submit this proposal for the engineering services associated with the above reference project.

Summary

The Commissioners of the Northwest Bergen County Utilities Authority (Authority) are concerned about the impact Rain-Derived Infiltration and Inflow (RDI/I) has on the system and its effect on the annual cost to the member municipalities. Historical data indicates a significant variation in sewage flow per equivalent dwelling unit (EDU) for the Boroughs of Allendale and Waldwick. These two (2) municipalities have significantly greater sewer flows than the average flow per EDU throughout the Authority's tributary area.

On Friday, March 23, 2012, a meeting was held at the Borough of Waldwick municipal hall. The purpose of the meeting was to identify potential problem areas in the Borough where infiltration might occur. Gary Kratz, the Borough Administrator, described the sump pump removal program in place. The program was initiated in the Woodside/Derby section of the Borough. There are 153 homes in this area and about half of the homes had sump pumps, which the majority are now disconnected due to the program. Since this work has been completed, the Derby/Woodside Pumping Station has seen a significant improvement during wet weather flow.

Two (2) potential areas identified by the Borough were the following:

- 1) 60 homes from Allendale's Cambridge Avenue neighborhood (tributary to White Pond).
- 2) 148 homes from Wyckoff - Van Blarcom Avenue to Hickory Lane.

It was decided at the meeting that the study will commence by flow monitoring these (2) areas (see Plate 1)

On March 28, 2012, a meeting was held with the Borough of Allendale. It was indicated that the Borough wants to implement a sump pump removal program similar to Waldwick's program described above. It was agreed at the meeting, that the pilot program will commence in two (2) isolated neighborhoods with storm drainage systems in place. Flow monitoring will determine excess RDI/I.

The two (2) neighborhoods identified are illustrated on Plate 2.

In response to the May 29, 2012 meeting held at the Authority, please find the revised project elements for this study below:

Task 1 – Flow Monitoring

Boswell will coordinate with a subconsultant to conduct flow monitoring to establish base flows for the study areas within each Borough. Boswell will coordinate with the Authority, municipalities and subconsultant to determine the ideal location for the installation of the flow meters.

The data obtained from the flow monitoring recording equipment will be analyzed, such as depth of flow, velocity of flow, incremental flow rate, temperature and cumulative flow rate.

The meters will be installed at five (5) locations outlined above. The monitoring will take place for a minimum of 8 weeks and up to 12 weeks if significant rainfall events do not occur during the initial time. A rainfall gauge will be installed within the study area. Rainfall data will enable correlation of metered flow rates to rainfall intensity, duration and volume.

Task 2 – Project Report

Boswell will prepare a report for each municipality outlining our findings and recommendations. The report will include a baseline flow for the unmetered areas. The Waldwick report will also include a comparison between the recorded flows and the NJDEP calculated flows for the two (2) areas coming into Waldwick.

The data will be compared to rainfall events during the period and will be an indicator of RDI/I. Excessive RDI/I may be a cause of the significantly greater sewer flows Waldwick and Allendale are experiencing.

Budget Estimate

We propose to provide the services described herein on a time and material basis in accordance with our standard rate schedule in effect at the time the work is performed. It should be noted various elements of the work are weather dependent. Attached is a copy of our current rate schedule.

The budget estimate of this work is as follows:

Task 1 – Flow Monitoring (8 weeks).....	\$4,000
Subconsultant – 2 meters x 8 weeks	25,000
Task 2 – Project Reports	40,000
TOTAL ESTIMATED COST	\$69,000

It should be noted if flow monitoring is required beyond the initial eight (8) week period, the additional cost of the subconsultant performing this work will be \$2,625 per week.

We are prepared to commence work immediately upon your authorization to proceed.

Should you have any questions or require additional information, please do not hesitate to contact Giselle Diaz, P.E. or me.

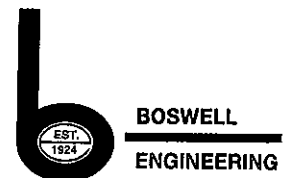
Very truly yours,

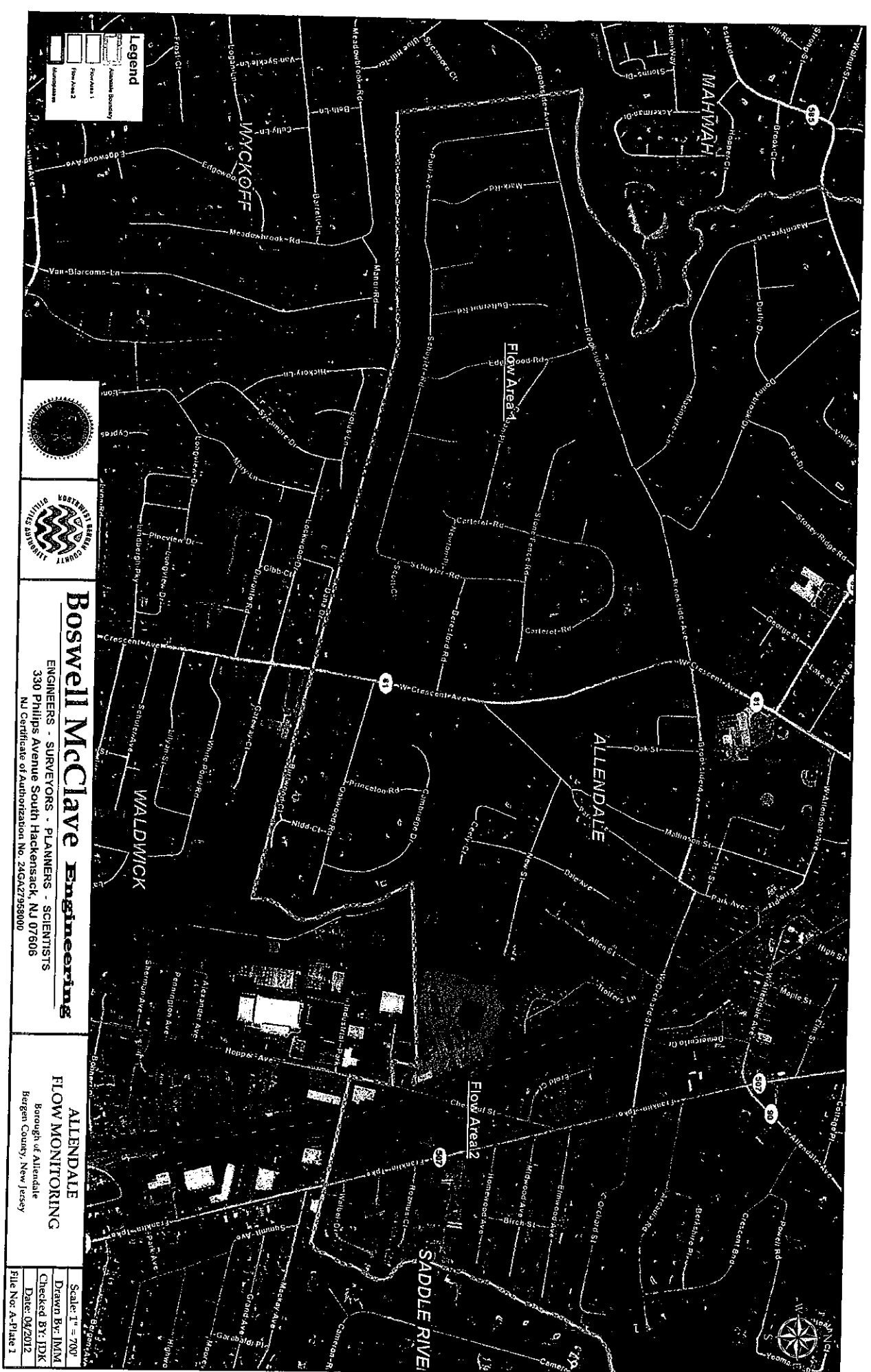
BOSWELL ENGINEERING


Kevin J. Boswell, P.E.

KJB/GD/fan

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Boswell McClave Engineering
 ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS
 330 Phillips Avenue South Hackensack, NJ 07606
 NJ Certificate of Authorization No. 240CA27958000

ALLENDALE FLOW MONITORING
 Borough of Allendale
 Bergen County, New Jersey

Scale: 1" = 700'
 Drawn By: JMM
 Checked By: JDM
 Date: 08/20/12
 File No: A-1-Plate 1



Legend

- Flow Area 1
- Flow Area 2
- Flow Line
- Monitoring Point



Boswell McClave Engineering
 ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS
 330 Philips Avenue South Hackensack, NJ 07606
 NJ Certificate of Authorization No. 24627955000

WALDWICK FLOW MONITORING
 Borough of Waldwick
 Bergen County, New Jersey

Scale: 1" = 600'
 Drawn By: INM
 Checked By: DJK
 Date: 04/20/12
 File No: W-Plate 1

BOSWELL ENGINEERING

Hourly Rate Schedule Year 2012

<u>Title</u>	<u>Hourly Rate</u>
Project Manager	\$176.00
Project Engineer	\$168.00
Senior Engineer	\$160.00
Design Engineer	\$151.00
Technical Engineer	\$145.00
Engineer I	\$103.00
Resident Engineer	\$151.00
CAD Engineer	\$151.00
Draftsperson - Technician	\$129.00
Field Crew - Two-Person Team	\$232.00
Field Technician	\$62.00
Inspector	\$145.00
Survey Analyst	\$168.00
Draftsperson	\$129.00
CAD Operator	\$129.00
Environmental Specialist	\$168.00
Environmental Technician-II	\$145.00
Environmental Technician-I	\$138.00