

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Gabbert

No. 59-2013.

Seconded by Commissioner Kelaher

Date: Oct.16, 2013

PRELIMINARY BUDGET FISCAL YEAR PERIOD

JANUARY 1, 2014 TO DEC. 31, 2014

RESOLVED,

WHEREAS, the Annual Budget and Capital Budget for the Northwest Bergen County Utilities Authority for the fiscal year period beginning January 1, 2014 and ending December 31, 2014 has been presented before the Commissioners of the Northwest Bergen County Utilities Authority at its open public meeting of Oct.16, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$12,716,502.00, Total Appropriations, including any Accumulated Deficit if any of \$12,972,502.00 and Total Unrestricted Net Assets utilized of \$256.000; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$7,361,000.00 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$-0-; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, in accordance with the Authority's General Bond Resolution adopted December 19, 1972, as amended, the Operating Expenses in the Annual Budget are not in excess of the reasonable and necessary amount thereof; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C.5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing

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Offered by Commissioner Gabbert **No. 59-2013 pg. 2**

Seconded by Commissioner Kelaher **Date: Oct.16, 2013**

PRELIMINARY BUDGET FISCAL YEAR PERIOD

JAN.1, 2014 TO DEC. 31, 2014.

agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE, BE IT

RESOLVED, by the members of the Northwest Bergen County Utilities Authority, at an open public meeting held on Oct. 16, 2013 that the Preliminary Annual Budget and, including appended Supplemental Schedules, and the Capital Budget/Program of the Northwest Bergen County Utilities Authority for the fiscal year period beginning January 1, 2014 and ending December 31, 2014 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget and Capital Budget are of sufficient amount to meet All proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority will consider the Annual Budget and Capital Budget for adoption on December 3, 2013 in the offices of the Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey at 7:00 o'clock P.M.; and

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to have published Notice of the Public Hearing in The Record and the Ridgewood News and one newspaper published in the Borough of Manhattan, City and State of New York; and

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to file the Preliminary Budget of the Northwest Bergen County Utilities Authority for the Fiscal Year 2014 with the Trustee, the Consulting Engineer and the Participants, all in accord with the

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Gabbert

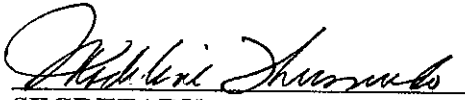
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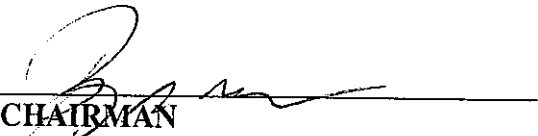
Seconded by Commissioner Kelaher

Date: Oct. 16, 2013

**PRELIMINARY BUDGET FISCAL YEAR PERIOD JANUARY 1, 2014 TO
DECEMBER 31, 2014**

General Bond Resolution adopted December 19, 1972, as amended and the Service Contract.


SECRETARY


CHAIRMAN

Roll Call: AYES: Commissioner DaPuzzo, DePhillips, Gabbert,
Kasparian, Kelaher, Plumley, Salazer, Chewcaskie
NAYES: None
ABSENT: NONE

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DaPuzzo

No. 60-2013

Seconded by Commissioner Kelaher

Date: October 16, 2013

**AWARD BID – CONTRACT NO. 262 PRIMARY CLARIFIER SLUDGE
COLLECTION REHABILITATION**

WHEREAS, the Northwest Bergen County Utilities Authority (“Authority”) solicited bid proposals in connection with Contract No. 262, Primary Clarifier Sludge Collection Rehabilitation; and

WHEREAS, bid proposals were received by the Authority on September 24, 2013; and

WHEREAS, Coppola Services, Inc. submitted a bid and then requested the bid be withdrawn due to an error and on October 1, 2013 the Authority Commissioners approved the request to withdraw its bid; and

WHEREAS, the total bid amount, which includes alternate A1, from the three lowest bidders are as follows:

Gingerelli Bros., Inc.	\$907,501.24
Rapid Pump & Meter Co., Inc.	\$914,960.00
SpectraServ, Inc.	\$1,019,076.00

WHEREAS, The Authority’s Executive Director, Consulting Engineer, and General Counsel have reviewed the bid proposals; and

WHEREAS, the Authority finds and determines that SpectraServ failed to complete the Iranian Investment Activities Disclosure Form, which failure renders its bid proposal unresponsive; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DaPuzzo

No. 60-2013

Seconded by Commissioner Kelaher

Date: October 16, 2013

**AWARD BID – CONTRACT NO. 262 PRIMARY CLARIFIER SLUDGE
COLLECTION REHABILITATION**

WHEREAS, Gingerelli Bros. submitted a bid which includes one (\$0.01) cent for concrete repairs by the square foot or square yard, which the Authority determines in accordance with the bid documents to be materially unbalanced and therefore unresponsive; and

WHEREAS, Gingerelli Bros. did not list in their Statement of Experience and Qualifications any work experience of similar nature to that of the proposed work. A request for supplemental information was made to Gingerelli Bros. and it responded that it provides general contracting services and are seeking to start to performing work in the wastewater sector. The sludge collection system is a key component of the Authority’s wastewater treatment process. Failure of this system could result in problems with downstream processes and ultimately could result in permit violations. Accordingly, the Authority finds that Gingerelli Bros. has failed to submit qualifications sufficient to allow the Authority to make a determination that the bidder is qualified and responsible enough to undertake the contract; and

WHEREAS, Rapid Pump & Meter’s list of past and current contracts lacks a list of “personnel demonstrating its ability to perform the work”. However, it has done prior work for the Authority and other authorities which satisfies the Authority as to its ability to perform the work and this may be waived; and

WHEREAS, after review by the Authority’s professional staff, the Authority has determined that the lowest responsible bidder is Rapid Pump & Meter Co., Inc.; and

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COLLECTION REHABILITATION**

WHEREAS, the Authority has determined that Rapid Pump & Meter has submitted all of the required documents and is the “lowest responsible bidder”; and

WHEREAS, the Authority certifies that there are sufficient funds available to award this project to Rapid Pump & Meter; and

WHEREAS, the Commissioners of the Authority have determined that it is in the best interest of the Authority and the municipalities it serves to accept the bid of Rapid Pump & Meter Co., Inc. for Contract No. 262.

NOW, THEREFORE, be it

RESOLVED by the Commissioners of the Authority that the bid of Rapid Pump & Meter Co., Inc. for the total bid amount including alternate A1 of \$914,960.00 for Contract 262 Primary Clarifier Sludge Collection Rehabilitation be and the same is hereby accepted; and

FURTHER RESOLVED, that the Chairman or the Vice-Chairman of the Authority shall be and is hereby authorized to execute any such contract with Rapid Pump & Meter Co. for Contract No. 262 on behalf of the Authority, subject to review and approval of the Consulting Engineer and General Counsel.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DaPuzzo

No. 60-2013

Seconded by Commissioner Kelaher

Date: October 16, 2013

**AWARD BID – CONTRACT NO. 262 PRIMARY CLARIFIER SLUDGE
COLLECTION REHABILITATION**

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on October 16, 2013.


CHAIRMAN


Secretary

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 61-2013

Seconded by Commissioner DaPuzzo

Date: October 16, 2013

APPROVE MEMORANDUM OF UNDERSTANDING WITH BOROUGH OF OAKLAND

WHEREAS, the Northwest Bergen County Utilities Authority owns and operates a wastewater treatment plant (the "Plant") located in the Borough of Waldwick, New Jersey and provides wastewater treatment services to all or part of ten municipalities in the northwest corner of Bergen County, New Jersey; and

WHEREAS, the Borough of Oakland ("Borough") does not have any centralized sewage treatment facilities for the treatment of its wastewater. Domestic sewage treatment and disposal in the Borough is provided primarily by individually owned subsurface sewage disposal systems (septic systems). There also are six sewer service areas in the Borough which are served by package sewage treatment plants; and

WHEREAS, because of the very limited sewerage service available, development and redevelopment in the Borough has been hampered, especially in the business district; and

WHEREAS, the Authority and the Borough are desirous of undertaking a regulatory process which, if successful, will lead to (1) the Borough becoming a member municipality of the Authority, (2) the Authority and the Borough entering into a Service Contract (the "Prospective Service Contract") and (3) the Authority providing wastewater treatment services to a portion of the Borough pursuant to the Prospective Service Contract; and

WHEREAS, the Authority and the Borough also are desirous of entering into the Memorandum of Understanding (the "MOU") attached hereto which outlines (1) the respective responsibilities of each during the regulatory process and (2) the preliminary understandings

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 61-2013

Seconded by Commissioner DaPuzzo

Date: October 16, 2013

APPROVE MEMORANDUM OF UNDERSTANDING WITH BOROUGH OF OAKLAND

which the parties have reached as to the terms and conditions of the Prospective Service Contract, and

WHEREAS, on September 25, 2013, the Governing Body of the Borough of Oakland approved Resolution 13-242 authorizing the Mayor to execute and take the necessary actions to implement the terms and goals of the MOU with the Authority; and

WHEREAS, the Mayor has executed the MOU, a copy of which is attached hereto, and

WHEREAS, this MOU shall not be binding upon the Authority or the Borough, and nothing contained herein shall compel either party to enter into the Prospective Service Contract. Rather, the parties intend to work cooperatively together through the regulatory process to enable the Authority to provide wastewater service to a portion of the Borough and to enter into the Prospective Service Contract when further details of the necessary arrangements between the parties become available;

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority authorize the execution and the necessary actions to implement the terms and goals of the attached Memorandum of Understanding with the Borough of Oakland.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 61-2013

Seconded by Commissioner DaPuzzo

Date: October 16, 2013

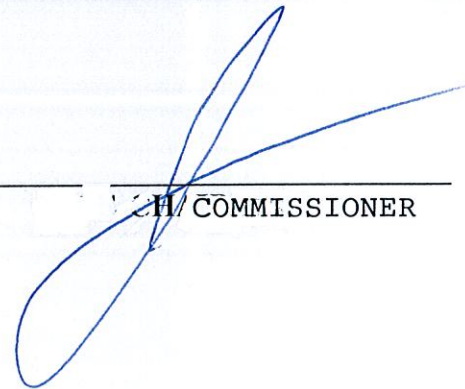
APPROVE MEMORANDUM OF UNDERSTANDING WITH BOROUGH OF OAKLAND

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 October 16, 2013.



SECRETARY

CH/ COMMISSIONER



Roll Call: AS AMENDED:

AYES: Commissioners DaPuzzo, DePhillips, Gabbert, Kasparian, Kelaher, Plumley, Salazer

NAYES: NONE

ABSTAIN: Chairman Chewcaskie

ABSENT: NONE

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by: Commissioner DePhillips

No. CS-OCT-2013

Seconded by: Commissioner DaPuzzo

Date: October 16, 2013

**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 a 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 over 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.

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 special meeting held on October 16, 2013.


SECRETARY


CHAIRMAN

Roll Call: AYES: Commissioners DaPuzzo, DePhillips, Gabbert,
Kasparian, Kelaher, Plumley, Salazer, Chewcaskie
NAYES: NONE
ABSENT: NONE