

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. CS-OCT-2015

Date: October 20, 2015

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN
COUNTY UTILITIES AUTHORITY TO ENTER CLOSED SESSION PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT

AMENDED

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 to 10:4-21, requires that meetings of public bodies shall be open to the public at all times, except that the public body may exclude the public only from that portion of a meeting at which the public body discusses matters set forth in N.J.S.A. 10:4-12b; and

WHEREAS, the Northwest Bergen County Utilities Authority (“Authority”) Board of Commissioners intends to hold a closed meeting on the following subject matters which are authorized by N.J.S.A. 10:4-12b:

1. Potential Litigation – Contract No. 266 – Goffle Road and Midland Park Pump Station Upgrades
2. Mediation with Underground Utilities Corporation
3. Contract Negotiations with Union Local 11

NOW, THEREFORE, BE IT RESOLVED by the Authority’s Board of Commissioners, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board of Commissioners shall meet in closed session on October 20, 2015, to discuss the above-referenced matters.
3. The minutes, or parts thereof, of the closed session discussion may be disclosed to the public upon the determination by the Board of Commissioners that the public interest will no longer be served by such confidentiality.
4. This Resolution shall be effective immediately.

ADOPTED: October 20, 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONSENT RESOLUTION

Date: October 20, 2015

RESOLVED,

BE IT RESOLVED, that the following Consent Resolution herewith listed having been considered by the Commissioners of this Authority be and are hereby passed and approved.

RESOLUTIONS

- 81-2015 Approval of Vouchers, Payroll and Tax Deposits
- 82-2015 Adoption of Bank Resolutions for Santander Bank
- 83-2015 Adoption of Bank Resolutions for Sussex Bank
- 84-2015 Resolution providing for declaration of official intent under Treasury Regulation Section 1.150-2 to reimburse prior expenditures related to various sewer system improvements
- 85-2015 Increase in Special Counsel Fees – Sokol, Behot, LLP for Contract 259 Mediation with Contractor
- 86-2015 Resolution of the Governing Body of the Northwest Bergen County Utilities Authority authorizing Connection Fee Payment Agreement with Mountain Shadows at Franklin Lakes Condominium Association
- 87-2015 Approval of Application for Proposed Sanitary Sewer Extension -- Mountain Shadows at Franklin Lakes, 1 Valen Court, Franklin Lakes
- 88-2015 Authorization to enter into an Energy Audit Agreement

MOTIONS

- 2015-06 Motion to approve attendance to the Association of Environmental Authorities' 2015 Annual Meeting Conference in Atlantic City, New Jersey on November 17-18, 2015 and the New Jersey State League of Municipalities Annual Conference in Atlantic City, New Jersey on November 16-20, 2015


 SECRETARY


 CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelahr	Plumley	Salazer	Chewcaskie
Offered			<input checked="" type="checkbox"/>						
Seconded				<input checked="" type="checkbox"/>					
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 81-2015

Date: October 20, 2015

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

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 Pensions & Benefits transfers for the month of September 2015 and Health Benefits and Dental Benefits transfers for October 2015; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions 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,

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated October 20, 2015 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$199,456.36

ACCOUNT: Tax Deposit Account
Total: \$92,729.17

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$109,221.47

ACCOUNT: Health Benefits Contribution Employee
Total: \$9,509.51

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 81-2015

Date: October 20, 2015

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

ACCOUNT: Dental Benefits
Total Transfer: \$4,199.80

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$29,398.05

ACCOUNT: Operating Account
Total: \$307,868.30

ACCOUNT: General Improvement Account
Total: \$3,670.10

ACCOUNT: 2014 WWT Project Account
Total: \$497.46

ACCOUNT: 2015 WWT Project Account
Total: \$237,943.11


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelahr	Plumley	Salazer	Chewcaskie
Offered			✓						
Seconded				✓					
Aye	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 82-2015

Date: October 20, 2015

ADOPTION OF BANK RESOLUTIONS FOR SANTANDER BANK

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) wishes to enter into a banking relationship with Santander Bank (the “Bank”); and

WHEREAS, the Bank requires certain resolutions be passed by the Authority to conduct routine business with the Bank.

NOW THEREFOR BE IT RESOLVED by the Northwest Bergen County Utilities Authority, that the following Bank Resolutions be adopted:

RESOLVED: That Santander Bank, N.A. (the “Bank”) be, and hereby is, designated a depository of funds of the Depositor subject to the terms and conditions of the Business Deposit Account Agreement, with authority to accept at any time for the credit of the Depositor deposits in checking, savings, money market savings, term or any other account, by whomsoever made in whatever manner endorsed; and

RESOLVED: That the Bank shall not be liable in connection with the collection of such items that are handled by the Bank without negligence and the Bank shall not be liable for the acts of its agents, subagents or for any other casualty; and

RESOLVED: That the Depositor assumes full responsibility for and shall indemnify the Bank against all losses, liabilities and claims resulting from payments, withdrawals or orders made or purported to be made in accordance with, or from actions taken in good faith and in reliance upon, these Resolutions; and

RESOLVED: That the Bank be, and hereby is, authorized and directed to certify, pay or otherwise honor all checks, drafts, notes, bills of exchanges, acceptances, undertakings and other instruments or orders for the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable when such instruments and orders are properly made, signed, or endorsed by the signature, the actual or purported facsimile signature of the oral direction of any of the authorized signers below; provided, however, that any check, draft, note, bill of exchange,

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 82-2015

Date: October 20, 2015

ADOPTION OF BANK RESOLUTIONS FOR SANTANDER BANK

acceptance, undertaking or other instrument for the payment, transfer or withdrawal must bear the actual or purported facsimile signature of any of the authorized signers below; and

RESOLVED: That any authorized signer acting alone be, and hereby is, authorized on behalf of the Depositor to endorse, negotiate and collect any and all checks, drafts, notes, bills of exchange, acceptances, undertakings and other instruments and to open and close and update information on any account of the Depositor at the Bank; and

RESOLVED: That any of the authorized signers below acting alone be, and hereby is, authorized on behalf of the Depositor to instruct, orally or by such other means as the Bank may make available to Depositor, the Bank to initiate the transfer of funds by wire, telex, automated clearinghouse, book entry, computer or such other means, and to execute agreements with the Bank for the transfer of funds from any of Depositor's accounts and to delegate from time to time to other persons the authority to initiate the transfer of funds from any such account; and

RESOLVED: That any authorized signer acting alone be, and hereby is, authorized on behalf of the Depositor to enter into a written lease for the purpose of renting, maintaining and accessing a safe deposit box and any authorized signer is authorized to terminate the lease; and

RESOLVED: That the Bank may rely on any signature, endorsement or order and any facsimile signature or oral instruction reasonably believed by the Bank to be made by an authorized signer, and the Bank may act on any direction of an authorized signer without inquiry and without regard to the application of the proceeds thereof, provided that the Bank acts in good faith; and

RESOLVED: That the Bank may rely on this document and on any certificate by an authorized representative of the Depositor as to the names and signatures of the authorized signers of the Depositor until the Bank has actually received written notice of a change and has had a reasonable period of time to act on such notice; and

RESOLVED: That the Depositor agrees to notify the Bank promptly and in writing of any change in (a) these Resolutions, (b) the identity of persons authorized to sign, endorse or otherwise authorize payments, transfers or withdrawals, (c) ownership of the Depositor or the Depositor's legal structure or status, including the Depositor's dissolution or bankruptcy; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 82-2015

Date: October 20, 2015

ADOPTION OF BANK RESOLUTIONS FOR SANTANDER BANK

RESOLVED: That any of the following named persons, or persons from time to time holding the following offices of the Depositor be, and hereby are, designated as the authorized signers to act on behalf of the Depositor in accordance with the above resolutions:

- 1. Howard Hurwitz, Executive Director
2. Alison Gordon, Board Secretary

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 20, 2015.

Handwritten signature of Alison Gordon, SECRETARY

Handwritten signature of Chairman, CHAIRMAN

Table with 10 columns (Bonagura, DaPuzzo, DePhillips, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Chewcaskie) and 7 rows (Offered, Seconded, Aye, Nay, Absent, Abstain, Recuse). Includes handwritten checkmarks in the 'Offered' and 'Aye' rows.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 83-2015

Date: October 20, 2015

ADOPTION OF BANK RESOLUTIONS FOR SUSSEX BANK

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") wishes to enter into a banking relationship with Sussex Bank (the "Bank"); and

WHEREAS, the Bank requires certain resolutions be passed by the Authority to conduct routine business with the Bank.

NOW, THEREFORE BE IT RESOLVED, the Authority authorizes the Alison Gordon, Board Secretary and Howard Hurwitz, Executive Director to have the following authority of any accounts held at Sussex Bank:

1. Open any deposit or share account(s) in the name of the Authority;
2. Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the Bank; and

FURTHER RESOLVED: The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.

FURTHER RESOLVED: This Resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

FURTHER RESOLVED: The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 83-2015

Date: October 20, 2015

ADOPTION OF BANK RESOLUTIONS FOR SUSSEX BANK

exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

FURTHER RESOLVED: All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

FURTHER RESOLVED: The Corporation agrees to the terms and conditions of any account agreement, properly opened by an Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

FURTHER RESOLVED: The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

FURTHER RESOLVED: The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 84-2015

Date: October 20, 2015

**RESOLUTION PROVIDING FOR THE DECLARATION
OF OFFICIAL INTENT UNDER TREASURY REGULATION SECTION 1.150-2
TO REIMBURSE PRIOR EXPENDITURES RELATED TO
VARIOUS SEWER SYSTEM IMPROVEMENTS**

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") intends to issue debt obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and that will be used to finance various sewer improvements, including replacement of existing aeration blower and replacement of existing waste activated sludge pumps (the debt obligations herein referred to as "Project Debt Obligations" herein referred to as the "Project");

WHEREAS, the Authority intends to finance the Project, in part, with the Project Debt Obligations but may pay for certain costs of the Project ("Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Authority which are not borrowed funds;

WHEREAS, the Authority desires to preserve its rights to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid by the Authority prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141-150 of the Code.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Authority as follows:

Section 1. The Authority reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Authority's official intent to reimburse the Authority for expenditure of Project Costs by the Authority paid prior to the issuance of the Project Debt Obligations with the proceeds of the Project Debt Obligations, in accordance with Treasury Regulation Section 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$3,200,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulation Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Debt Obligations used to reimburse the Authority for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds”, or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulation Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Authority, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulation Section 1.148-1).

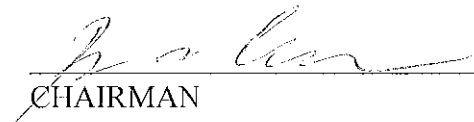
Section 6. All reimbursement allocations will occur not later than 18 months after the later of: (i) the date the expenditure from a source other than the Project Debt Obligations is paid; or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulation Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

The foregoing is a true and complete copy of a resolution adopted by the governing body of Northwest Bergen County Utilities Authority at a meeting thereof duly called and held on October 20, 2015.



 SECRETARY



 CHAIRMAN

[SEAL]

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered			<input checked="" type="checkbox"/>						
Seconded				<input checked="" type="checkbox"/>					
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 85-2015

Date: October 20, 2015

**RESOLUTION TO AMEND SPECIAL COUNSEL PROFESSIONAL SERVICES
CONTRACT**

WHEREAS, by Resolution 19-2015, 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 16, 2015; and

WHEREAS, by Resolution No. 49-2015 (the “Original Resolution”) the Authority retained the firm of Sokol, Behot & Fiorenzo (the “Sokol Firm”) as Special Counsel to the Authority to provide legal services in the matter of Mediation with Underground Utilities Corporation regarding Contract No. 259 – Franklin Lakes Business District Sanitary Sewer and authorized the Executive Director to execute a Professional Services Agreement between the Authority and the Sokol Firm; and

WHEREAS, a Professional Services Agreement dated May 14, 2015 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 Special Counsel’s compensation to be capped at \$18,000 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 ongoing Mediation, that counsel fees for this matter will cause the overall compensation to the Sokol Firm to exceed \$18,000; and

WHEREAS, the Sokol Firm has requested the Authority increase the not to exceed cost for legal services provided by their firm to \$22,200 for this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Northwest Bergen County Utilities Authority hereby amends the Original Resolution and the Professional Services Agreement with the Sokol Firm to increase the not to exceed amount to \$22,200 due to the ongoing mediation but subject to the rates and all other terms and conditions of the Original Resolution & Professional Services Agreement; and be it

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 85-2015

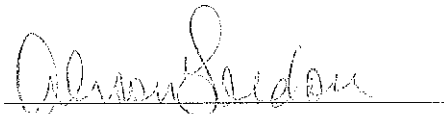
Date: October 20, 2015

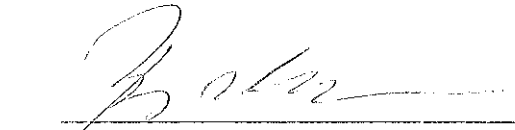
RESOLUTION TO AMEND SPECIAL COUNSEL PROFESSIONAL SERVICES CONTRACT

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 October 20, 2015.


SECRETARY


CHAIRMAN

	DaPuzzo	DePhillips	Gabbert	Kasparian	Kclaher	Plumley	Salazer	Chewcaskie
Offered		✓						
Seconded			✓					
Aye	✓	✓	✓	✓	✓	✓	✓	✓
Nay								
Absent								
Abstain								
Recuse								

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 86-2015

Date: October 20, 2015

**RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN
COUNTY UTILITIES AUTHORITY AUTHORIZING CONNECTION FEE PAYMENT
AGREEMENT WITH MOUNTAIN SHADOWS AT FRANKLIN LAKES
CONDOMINIUM ASSOCIATION**

WHEREAS, Mountain Shadows at Franklin Lakes, A Condominium Association (“Association”) is the owner of property located at 1 Valen Court, Franklin Lakes, New Jersey 07417 (“Property”); and

WHEREAS, the Association has filed an application with the Northwest Bergen County Utilities Authority (“Authority”) to connect its existing facility located at the Property to the Authority’s sewer system; and

WHEREAS, the Authority has determined that it is in its best interest to permit the Association to connect its Property to the Authority’s system and to enter into the attached Connection Fee Payment Agreement with the Association; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority, as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority’s Executive Director is hereby authorized to enter into the attached Connection Fee Payment Agreement on behalf of the Authority, and to execute such further documents, and undertake such other tasks that are reasonably required to carry out and consummate the transactions contemplated by attached Connection Fee Payment Agreement.
3. This Resolution shall be effective immediately.

ADOPTED: October 20, 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 87-2015

Date: October 20, 2015

**PROPOSED SANITARY SEWER EXTENSION – MOUNTAIN SHADOWS AT
FRANKLIN LAKES, A CONDOMINIUM ASSOCIATION
PULIS AVENUE, BLOCK 2503, LOT 1
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”) on behalf of the Mountain Shadows at Franklin Lakes, A Condominium Association (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension to be located at Block 2503, Lot 1 (hereinafter referred to as the “Property”); and

WHEREAS, the Property proposes to provide sanitary sewer service to a 64 unit Condominium Complex in the Borough of Franklin Lakes; and

WHEREAS, the Authority’s technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated October 20, 2015 has determined that the following information is missing from the submission:

1. Franklin Lakes endorsed WQM-003 Statements of Consent
2. Franklin Lakes resolution authorizing endorsement of TWA Application
3. P.E. Seal on TWA-1 Page 3 and WQM-006 Page 3; and

WHEREAS, the technical advisor recommends that the Authority approve the Property contingent upon the submission of the above listed items and subject to fulfillment of certain terms and conditions, finding that when completed, the Property will contribute an average daily flow of 14,400 gallons per day (gpd), or 64 additional residential EDUs to the Authority’s systems.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application of Mountain Shadows at Franklin Lakes for approval of a proposed sanitary sewer extension to be located at Block 2503, Lot 1 be approved contingent upon the submission of the missing items listed in paragraph 3 and upon the condition that the Applicant, its principals, agents, successors or assigns fulfill the following terms and conditions:

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 87-2015

Date: October 20, 2015

**PROPOSED SANITARY SEWER EXTENSION – MOUNTAIN SHADOWS AT
FRANKLIN LAKES, A CONDOMINIUM ASSOCIATION
PULIS AVENUE, BLOCK 2503, LOT 1
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

1. The construction shall conform to all applicable requirements of Borough of Franklin Lakes;
2. The installation of the sewers and appurtenances be inspected and approved by the Borough of Franklin Lakes;
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 pay 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 Property;
6. That any manholes constructed or modified by reason of this Property 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 Property;
8. That the Authority be notified by the Applicant or its designee prior to commencement of sanitary sewer installation;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 87-2015

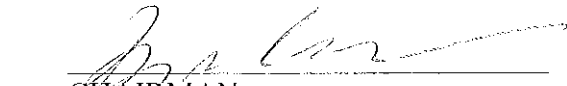
Date: October 20, 2015

**PROPOSED SANITARY SEWER EXTENSION – MOUNTAIN SHADOWS AT
FRANKLIN LAKES, A CONDOMINIUM ASSOCIATION
PULIS AVENUE, BLOCK 2503, LOT 1
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

- 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

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 Property as may be required by governmental agencies having jurisdiction thereover.


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Cheweaskie
Offered			✓						
Seconded				✓					
Aye	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 88-2015

Date: October 20, 2015

RESOLUTION AUTHORIZING THE ENGAGEMENT OF SERVICES OF ALLAN ROTTO CONSULTANTS, INC. AND GEORGE A. KOTEEN ASSOCIATES, INC.

WHEREAS, the Northwest Bergen County Utilities Authority ("Authority") has the need to retain the services of an organization to audit, correct and submit recommendations for all possible savings, refunds, credits or adjustments due, based on its electric, gas, water and telecommunications bills; and

WHEREAS, Allan Rotto Consultants, Inc. and George A. Koteen Associates, Inc. (collectively, the "Auditor") are highly experienced in providing such services; and

WHEREAS, the Auditor has prepared a proposal identifying the potential Services and to be provided as well as the compensation terms for providing these services; and

WHEREAS, the Authority has determined that the value of the Auditor's services will exceed \$17,500; and

WHEREAS, the Authority has a need to acquire the Auditor's services, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Auditor, its subsidiaries, assigns or principals controlling in excess of 10% of the company has not made a contribution that is reportable, pursuant to the Election Law Enforcement Commission, pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year preceding the award of the contract, that would affect its eligibility to perform this contract, pursuant to P.L. 2004, c. 19; and

WHEREAS, the Auditor will not make any reportable contribution during the term of its contract to any political party committee in the County of Bergen when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the County of Bergen when the contract is awarded;

WHEREAS, N.J.S.A. 40:146-20 authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority, or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:146-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. ("Local Public Contracts Law"); and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority, as follows:

1. The Authority is hereby authorized to engage the services of the Auditor.

Jim
amend
not

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 88-2015

Date: October 20, 2015

RESOLUTION AUTHORIZING THE ENGAGEMENT OF SERVICES OF ALLAN ROTTO CONSULTANTS, INC. AND GEORGE A. KOTEEN ASSOCIATES, INC.

2. The Authority shall be and is hereby authorized to execute an Agreement to retain the services of the Auditor, in final form acceptable to the Commissioners, as evidenced by the Chairman's signature thereon, on behalf of the Authority, based on the proposed compensation terms.
3. The Political Contribution Disclosure Certification, Business Disclosure Entity Certification, and Business Registration Certificate of the Auditor, shall be placed on file in the office of the Executive Director and made available for public inspection.
4. Upon execution, a fully executed and confirmed copy of the Agreement shall be placed on file in the office of the Executive Director and made available for public inspection.
5. The formal action(s) 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 October 20, 2015.


 SECRETARY


 CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Ketaher	Plumley	Salazer	Chewcaskie
Offered			✓						
Seconded				✓					
Aye	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nay									
Absent									
Abstain									
Recuse									

ALLAN ROTTO CONSULTANTS, INC.

P.O. BOX 1127 • SYOSSET, NY 11791-0489
PHONE 516-791-3500 • FAX 516-791-3676

GEORGE A. KOTEEN ASSOCIATES, INC.

290 QUEEN ANNE ROAD • TEANECK, NJ 07666
PHONE 201-457-7400 • FAX 201-457-7402

AGREEMENT DATED _____

1. IN CONSIDERATION OF THE TERMS STATED HEREIN, WE (BEING THE CLIENT BELOW) HEREBY AUTHORIZE YOU TO AUDIT, CORRECT AND SUBMIT RECOMMENDATIONS FOR ALL POSSIBLE SAVINGS, REFUNDS, CREDITS OR ADJUSTMENTS DUE, BASED ON CHARGES ON OUR ELECTRIC, GAS, WATER, SEWER AND TELECOMMUNICATION BILLS. IT IS UNDERSTOOD YOU WILL MAKE A TECHNICAL ANALYSIS OF ALL RATES, SCHEDULES AND CONTRACTS UNDER WHICH WE ARE SUPPLIED OR PURCHASE ELECTRIC, GAS, WATER, SEWER AND TELECOMMUNICATION SERVICES, AND ADVISE WHERE REDUCTIONS IN OUR UTILITY EXPENDITURES CAN BE OBTAINED. YOU ARE TO CORRECT, ADJUST & MAKE SUCH RECOMMENDATIONS AS WILL ENABLE US TO OBTAIN SUCH SERVICES AT THE MOST FAVORABLE & ECONOMICAL RATES, INCLUDING THRU SPECIAL PROVISIONS, ALTERNATE TARIFFS, FAVORABLE CLAUSES AND RIDERS.

2. YOUR INITIAL EXAMINATION WILL COVER IN THE MINIMUM THE PAST 12 MONTHS' BILLS, THOUGH WE WILL REVIEW UTILITY RECORDS FROM THE PAST 6 YEARS. YOUR CONTINUING ANALYSIS WILL COVER OUR CURRENT UTILITY BILLS, WHICH WE WILL SEND TO YOU EACH MONTH DURING THE LIFE OF THIS AGREEMENT. WHEN AN AUDIT OF PRIOR BILLS IS WARRANTED, YOU WILL AUDIT THOSE BILLS, GOING AS FAR BACK AS NECESSARY. WE AGREE TO COOPERATE WITH YOU AND SUBMIT OUR UTILITY BILLS AND SUCH OTHER INFORMATION AS AVAILABLE, WHICH IS REQUIRED BY YOU TO PERFORM THIS SERVICE.

3. WHEN AS A RESULT OF YOUR INVESTIGATION IT APPEARS THAT WE HAVE BEEN OVERCHARGED DUE TO ERRORS OR MISTAKES IN BILLING (OR ON EXISTING RATES, CONTRACTS, USAGE OR METERING), YOU WILL SECURE OR ADVISE HOW WE MAY OBTAIN CREDITS FOR SUCH OVERCHARGES. THE CREDITS, REFUNDS OR ADJUSTMENTS SHALL BE CREDITED DIRECTLY TO US BY THE SERVICE PROVIDER.

4. ALL NEGOTIATIONS WITH OUR UTILITY SERVICE PROVIDERS WILL BE CONDUCTED THROUGH YOU UNLESS AGREED OTHERWISE. WE WILL EXECUTE ALL AUTHORIZATIONS NECESSARY IN ORDER TO SECURE CREDITS, SAVINGS OR IMPLEMENT RECOMMENDATIONS.

5. WE PAY YOU NO RETAINER OR ADVANCE FEES OF ANY KIND. WE DO AGREE TO PAY YOU AS FOLLOWS:

A) **FOR SECURING MONTHLY SAVINGS:** 50% OF THE SAVINGS WHICH ARE SECURED THROUGH YOUR EFFORTS OR RECOMMENDATIONS FOR A PERIOD OF THIRTY-SIX (36) MONTHS FROM THE DATE EACH SUCH SAVINGS, REDUCTION, ADJUSTMENTS OR CORRECTIONS REFLECT ON OUR BILLS. IN THE EVENT BILLS ARE NOT SUPPLIED FOR SAVING CALCULATIONS, BILLING WILL BE RENDERED ON AN AVERAGE HISTORIC BASIS.

B) **FOR SECURING REFUNDS OR CREDIT ADJUSTMENTS:** 50% OF THE TOTAL REFUND OR CREDIT ADJUSTMENT APPLIED TO ACCOUNT BILLING

C) **PAYMENT WILL BE MADE WITHIN TWENTY (20) DAYS AFTER RECEIPT OF OUR INVOICES** DETAILING THE SAVINGS, REFUNDS, CREDITS OR ADJUSTMENTS. LATE PAYMENTS ARE SUBJECT TO INTEREST AT THE RATE OF 1 1/2% PER MONTH. INTEREST WHICH MAY NOT APPEAR ON INVOICES IS NOT AN INDICATION THAT INTEREST IS BEING WAIVED.

6. IN THE EVENT THAT WE ACT ON A RECOMMENDATION BROUGHT TO US BY YOU, OR PURSUE A RECONCILIATION OR NEGOTIATION WITH THE UTILITY, OR FILE A COMPLAINT TO THE BPU/PSC, BECAUSE OF INFORMATION THAT YOU SUPPLIED TO US, AND THAT RECOMMENDATION, RECONCILIATION, NEGOTIATION OR COMPLAINT IS STILL PENDING AT THE EXPIRATION OF THIS AGREEMENT, THEN THIS AGREEMENT WILL BE AUTOMATICALLY EXTENDED UNTIL SAME IS COMPLETED AND WE AGREE TO PAY YOU AS OUTLINED IN PARAGRAPH 5 ABOVE; AND FOR SUCH PURPOSE, WE WILL PROVIDE YOU UTILITY BILLS NEEDED TO FINALIZE ALL PENDING RECOMMENDATIONS AND COMPLETE VERIFICATION..

7. THE INITIAL TERM OF THIS AGREEMENT SHALL BE ONE (1) YEAR FROM THE DATE HEREOF. THIS AGREEMENT SHALL BE CONSTRUED UNDER THE LAWS OF THE STATE OF NEW JERSEY, AND ITS TERMS SHALL NOT BE CONSTRUED STRICTLY AGAINST THE PARTY WHO PREPARED IT.

ACCEPTED (DATED): _____ (1113)

COMPANY NAME: NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

GEORGE A KOTEEN ASSOCIATES INC.

SIGNATURE: 

BY: ISMAEL FAUSTIMO, PRESIDENT

PRINT NAME/TITLE: BRIAN CHEWCASKIE, CHAIRMAN

ALLAN ROTTO CONSULTANTS, INC.

ADDRESS: 30 WYCKOFF AVENUE, PO Box 255

BY: HOWARD J. ROTTO, EXEC VICE-PRESIDENT

CITY: WALDWICK STATE/ZIP: NJ 07463

