



**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY**

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**MINUTES
REGULAR MEETING
JAN. 6, 2009**

1. The Vice -Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:05 p.m. to discuss items in detail. The Work Session ended at 7:30 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Vice-Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Ariyan, Dator, Kelaheer, O'Malley, Shafron and Kasparian. The following Commissioners were absent: Chewcaskie and Dachnowicz.
4. Salute to the Flag was led by Vice-Chairman Ariyan.
5. Chairman's remarks. The Vice-Chairman reported that the Nominating Committee will consist of Commissioners Dator, Kelaheer and O'Malley. They will report their nominations at the February Reorganization Meeting.
6. Approval of Minutes.

Regular Meeting, Special Meeting on the 2009 Budget and Public Hearing on 2009 Connection Fees for Dec. 2, 2008. Commissioner Kelaheer moved the minutes be accepted as presented seconded by Commissioner Kasparian. All Commissioners present voted to accept the minutes as presented.

7. Public Comments. The Vice-Chairman noted that there were several members of the public present. He questioned if anyone in the public had an attorney with them. No one had an attorney with them. He instructed that everyone will be afforded an opportunity to come up and make their comments. He only requested that if someone has gone before them and has said everything that they had intended to say, he asked that they adopt what they had already said. There is inclement weather outside and the roads are starting to freeze and we want to give everyone an opportunity to be heard and stick to the subject of substance and importance so that everyone's voice can be heard tonight by the Commissioners. The Vice-Chairman asked that when coming forward to please state their full name and address for the record before proceeding.

Marilyn Perelli, 2 Whites Lane. She stated that she was there because of the odor. She wanted to follow up with the Commissioners on a meeting they had with OS&E which she was very disappointed with. The odor study was done over a period of 2 ½ days where there was little or no odor. They deemed the odor footprint would be minimal outside the boundaries of the sewer authority.

She displayed a map with a dot on it showing where the footprint was and stated that they were not going to come back for further studies because they were told that they did what they were requested. They don't have someone readily available for us to call to the site when the odor is occurring and the report indicated that only 2 and 4 Whites Lane were affected. As for the proposed wall unless it is over 75 feet high it will do them no good. When she told them it was not just 2 and 4 Whites Lane she was asked where are the complaints and the people. After the meeting with OS&E she decided to research why people don't call and complain. It is very hard to find a phone listing.

She went to the police to find out how to get a listing of complaints from June 15th 2008 to Nov. 15th, 2008. In those five months there are nine complaints. None of the complaints were from 2 or 4 Whites Lane because they call the Authority directly. Only one was from Ms. Perelli on Aug. 2nd because she could not get an answer when she called the Authority. She wanted to point out that there are two days a month when the odors become unbearable that a complaint has to be filed. When the complaints occurred outside the Stop and Shop it was recorded by a 911 phone call by a Hillsdale resident who was shopping in Waldwick. Even non-Waldwick residents find the odor offensive. She had a copy of the report for review.

After talking to neighbors she found out that they had already started doing research years ago and she had the complaints from 2002 to 2006. In 2002, 16 odor complaints, none from Whites Lane, one from Lincoln Ave. In 2003 there were 13 odor complaints, none from Whites Lane and a few from Van Dam and some from Lincoln Ave. In 2004 there were 16 odor complaints, one from Whites Lane, others from Van Dam and Wyckoff Ave. and Cleveland Ave. In 2005 there were only 7 odor complaints. In 2006 there were 24 odor complaints. From March to the end of October there were 24 odor complaints in 8 months. Some from the Ho-Ho-Kus police department, one from 6 Whites Lane. There is no pattern as to time, or day of the odor occurrence. It has been getting worse over the past few years.

She will be back next month with complaints from 2007 and 2008 to see what reports are going into the police. Very few odors occur after Oct. 1st. OS&E was here to do their study on Oct. 8th and 9th. She has an odor footprint that is much larger than OS&E's and she wanted to know what odor complaints OS&E looked at in order to base their study.

She continued by questioning the Superintendent about logging odor complaints. The Attorney requested that any questions be directed to the Vice-Chairman. The Chairman stated that we are making efforts and he does have an issue, after discussing with counsel, regarding of the Superintendent or the Executive Director or

any of the Commissioners simply being asked questions arbitrarily. She was advised that this is a public comment session. The public is allowed to make their comments which allow the Commissioners at the next meeting in the Work Session to say, these were the comments and how do we address each of them. He felt it was not in her best interest as concerned residents or the Authority's best interest as a public authority to try to provide a proper service in every respect, simply to answer questions on a whim.

She presented all of her information to Vice-Chairman Ariyan so he can review it to see why we have an odor problem and why it is getting worse and not better.

Mr. Wayne Griffin, 7 Whites Lane. He has not made any reports to either the Authority or the police but stated that it has gotten bad. He attested to the fact that the odor does extend down to the train station because he commutes to the city. He noted that there are also odors detected at the tennis courts in Ridgewood. He felt instead of putting up a wall, abatement would be better.

Charles Wanamaker, 25 West Prospect St. (business address). Never came to the Authority to complain and is sorry he hasn't done so. He feels the complaints are completely legitimate. He's sure we are trying to do something. It is not as bad for him since he doesn't live here and only has his business in Walwick. He agrees with Mr. Griffin that a wall is not the answer.

Dave Windecker, 7 Stevens Lane. He has lived there since 2001 and it is getting progressively worse. It is especially bad in August when it is hot and humid. He felt to do a survey in October does not make sense. Someone should be sent in mid August when it is really hot and humid. He noted that he has one of the most expensive houses and pays high real estate taxes to overlook the Authority. He wants us to either do something about the odors or pay his taxes. He feels he could never sell his house now for what it is worth.

Jeff McKenzie, 6 Stevens Lane (next door to Mr. Windecker). He didn't realize that he could call the police about an odor, so he will have to start doing that. He works from home. His house sits about 150 feet above, and he also feels that a fence will not stop the odors. He also pointed out that nobody came to his home to ask him any questions or do any sampling for this report.

Mike Casey, 4 Whites Lane. Mr. Casey had a few things to give to the Commissioners. There was a list of signatures from residents who have signed a complaint petition, a map of where the proposed wall would be and also a map showing the location of all the resident's homes that signed the petition. He knew when he bought his house twenty three years ago that he was upstream and upwind from the Authority. The odor most of the time gets blown from the west across the tanks to New Jersey transit. If that didn't happen we would have much more odor problems. It is the worst in July and August when there is no breeze and the thing about a wall deflecting any type of odor is useless.

He was advised by the Vice-Chairman that we are not sold on the wall. By the comments that were heard tonight the public is not satisfied with this report and does not believe that the proposed wall would fix the problem. He felt that Mr. Casey's statement more than once that it is our wall and we are proposing it and we are sold on it is not accurate. Mr. Casey seemed to feel that when the Executive Director was talking about the report that was the only suggestion that got mentioned and if you look at the report there were several suggestions and one is to put covers over the tanks which he feels is the only solution.

According to OS&E the odor comes and goes depending on the habits of the people. He has found out that the Authority has been adding lines from further away and the engineer from T&M said that if it comes from further away by the time it gets here it is more concentrated than the local sewage. He feels there is really only one solution because if you cannot treat it chemically and a wall is not going to help you have to cover the tanks.

Chris Hagens, 2 Whites Lane. Thanked the Commissioners for providing them with a copy of the report. He found the meeting with OS&E very informative. Based on the data and the limited time they had to do the report he couldn't find any mistakes but because of those limitations he believes he came up with the wrong conclusion, which is the wall. It also included the possibility of putting in fans or wind turbines to blow the air and redirect the odor westward. His main point was that this was the most cost effective solution but it is only cost effective if it is effective. He would like to see something done before the summer. It is arguable whether or not the wall would help or not even OS&E feels it is only an educated guess and doesn't really know if it will work. OS&E did say in their report that the only real solution is stopping the odor at its source, which are the tanks. Their remediation option is to use chemical treatment of the influent or covering the tanks both of which are very expensive propositions. Mr. Hagens feels we live in one of the most affluent counties in the country. If we cannot do it how can some of the smaller plants do it. He pointed out that the Superintendent seems to be more diligent in preventative maintenance than his predecessors. Mr. Hagens gave the Vice-Chairman four articles obtained from Google dealing with sewer odors and covers.

Mike Casey, 4 Whites Lane. Wanted to point out that the picture he gave the Commissioners is a picture of his house which was taken from the side of his house where you can see a white cloud which is about 50 feet in the air that which he says comes from our tanks before it even leaves our property.

John Wongsley, 62 Wyckoff Ave. This is his first meeting and lives next to the firehouse. He stated that there were times when the Authority was bad and things weren't taken care of. There were years before we had another problem. Lately, it has been getting worse and worse but it has always been there. He feels two days is not time enough to find the odors and stated that no one came to his house either. He doesn't see how a wall will help him when he is way above the house on Stevens Lane.

Steve Albrecht, 14 Whites Lane. Has made some complaints over the years. He feels

the odors are strongest on weekends and evenings and is concerned about the health of his family and pets in relation to the odors.

Mr. Ratomsky, 5 Dow Ave. Resident for 25 years. There were bad odors about 15 years ago when we were taking deliveries of outside sludge from a dairy which was very bad. He feels the incineration is putting off gases. Odors are getting worse each year.

Maureen Casey, 4 Whites Lane. Is a resident for 22 years and is concerned about the value of her property.

Superintendent Genetelli stated that he received a telephone call at approximately 1 p.m. from Ms. Emily Molfettis of 10 South Dow Ave., a resident for 22 years. She wanted to voice a very strong opinion against no wall. She also wanted the Commissioners to know that it has not been as bad in the past but she is adamant about no wall being built on the property.

8. Consideration for approval list of Resolutions attached dated Jan. 6, 2009.

Consent Resolution for Resolutions No.01-2009 to 13-2009 of which No.08-2009 was TABLED and No.12-2009 was voted on separately. All Resolutions were discussed during the work session. The Resolutions were moved by Commissioner Dator, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the resolutions.

Resolution No.12-2009 was moved by Commissioner Kasparian, seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolution except Commissioner O'Malley who abstained.

Resolution #01-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Dec. 2008 and Health and Dental Benefits for Jan. 2009 as follows: Payroll Account \$180,533.50; Tax Deposit Account \$71,003.96; PERS and Contributory Insurance \$23,966.79; Health Benefits \$65,513.61; Dental Benefits \$5,098.60; DCRP Employee Contribution \$22.92; DCRP Employer contribution \$12.50; Operating Account \$449,110.59; Improvement Account \$84,310.62.

Resolution #02-2009. Regular Employment, Plant Operator. This resolution is to retain Jason Gascon as a Plant Operator effective Dec. 1, 2008.

Resolution #03-2009. Regular Employment, O&M Helper. This resolution is to retain Matthew Gascon as a O&M Helper effective Dec. 1, 2008.

Resolution #04-2009. Request for approval for the insertion of a special item of revenue in the 2008 budget pursuant to N.J.S.A.40A:4-87 (Chapter 159 P.L.148) Wastewater Revenues. This resolution was for the approval of the insertion of additional items of revenue in the budget for 2008 in the sum of \$1,587,077.00 which are now available as revenue from the waster water operations.

Resolution #05-2009. Authorization for Chairman or Vice-Chairman to execute Risk Management Agreement. This Resolution was to retain the services of Brown & Brown Metro, Inc., 26 Columbia Turnpike, Florham Park, N.J. 07932 as the Authority's Risk Manager for 2009 under the NJUAJIF.

Resolution #06-2009. Bergen County Employees Assistance Program. This Resolution was to continue participation in the County Employee Assistance Program for 2009 at a rate of \$20.00 per employee.

Resolution #07-2009. Designation of Public Agency Compliance Officer. This Resolution was to appoint Madeline Thumudo, Admin. Asst. as the Public Agency Compliance Officer for the year 2009.

Resolution #08-2009. TABLED

Resolution #09-2009. Award Bid, Contract #248 Scum Trough Replacement. This Resolution was to award the bid for Cont.#248 to Rapid Pump & Meter Co., the lowest bidder for a total bid price of \$690,670.00.

Resolution #10-2009. 2009 Service Charges. This Resolution was to approve the Service Charges to the Authority's municipalities for the year 2009. This year the service charges will total \$13,212,508.00.

Resolution #11-2009. Authorization to modify CH2M Hill's scope and fee associated with the revised plant improvement concept. This Resolution was to authorize the revised scope of services agreement and fee with CH2M Hill based on their Oct.28, 2008 proposal. The revision is to perform the required services during the Construction of the project at a not to exceed price of \$60,000.00.

Resolution #12-2009. Approval of Shared Services Agreement between the Bergen County Improvement Authority and the NBCUA pursuant to which Metro Energy Solutions is (on behalf of the BCIA and as its agent) to provide Solar Energy consulting services to the NBCUA in connection with the installation by it of a photovoltaic power (solar panel) system at its facility. This Resolution was to approve the execution of the shared services agreement with the BCIA.

Resolution #13-2009. Resolution determining certain details of not exceeding \$8,250,000 Northwest Bergen County Utilities Authority Utility System Revenue Bonds, 2009 Series A, and providing for the sale and delivery of such bonds. These Bonds will be for the financing of various improvements to the utilities system, to fund the Bond Reserve Requirement, fund capitalized interest and finance costs of issuance to be incurred in connection through the issuance of these bonds.

9. Reports of Committees

A. Finance Committee – Nothing further than what was discussed at the Work

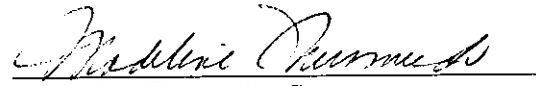
Session to report.

- B. Personnel Committee – Nothing further than what was discussed at the Work Session to report.**
 - C. Insurance Committee – Nothing further than what was discussed at the Work Session to report.**
 - D. Operating Committee – Nothing further than what was discussed at the Work Session to report.**
 - E. Buildings & Grounds – Nothing to report.**
 - F. Report of Treasurer – As of Dec. 15, 2008 \$7,000,000 was invested in short term investments at a rate of 1.6% to 4.59% and as of Jan. 6, 2009 \$7,700,000 was invested in short term notes for only 8 days at rates of 0.4% to 0.6%. This is where the market is today.**
- 10. Report of Counsel – Nothing further than what was discussed at the Work Session to report.**
- 11. Report of Engineer – Announced that Nick Rotunda from Allendale has joined T&M Associates.**
- 12. Report of Executive Director – Nothing further than what was discussed at the Work Session to report.**
- 13. Report of Superintendent - Nothing further than what was discussed at the Work Session to report.**
- 14. Old Business. No old business.**
- 15. New Business. The Vice-Chairman addressed the exhibits that we acknowledged during the public comment and wants to make sure that the Executive Director and Counsel are on the same page with the Chairman and Vice-Chairman that we have an understanding as to what was received. A summary will be put together by the Executive Director in relation to these exhibits for discussion over the next month. This will be considered by the Operating Committee.**

Commissioner Shafron felt we need to make a decision on whether to retain OS&E to conduct anymore work and if we are, than we should get this information to them as soon as possible before we take any other action, other than a wall, to have it done before summer. Executive Director Hurwitz felt we retain the services of a consultant and we present to him several hundred odor complaints and the area it covered and the intensity that was described was what he based his report on. Commissioner Shafron felt we spent a substantial amount of money on retaining this expert to do a preliminary report and feels we need to make a decision on

whether we are going to spend more money on this expert to do a more extensive report or not. This is a decision the Commissioners have to make. It was felt that this additional information should be given to OS&E and ask if their recommendation is still the same or what needs to be done to make a determination as to what the next step would be. It was suggested that they do the smoke tracer that was described in their report to get further information. The Executive Director was directed by the Vice-Chairman to get all of the pertinent information to OS&E for further evaluation.

16. Public comments (on subjects 8 through 17). Mr. Ratomsky wanted to know what input is gotten from the people who are operating the plant. The Vice-Chairman stated that the Superintendent is well versed in every single aspect of the plant.
17. Adjournment. Motion to adjourn was made by Commissioner Dator, seconded by Commissioner Kasparian. All Commissioners present voted to adjourn at 8:50 p.m.



Madeline Thumudo, Secretary



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**MEETING
SPECIAL MEETING
JAN. 22, 2009**

1. Meeting was called to order by Commissioner O'Malley at 8:40 a.m.
2. Commissioner O'Malley stated that this is a special meeting of the NBCUA and notice was provided to the Record and Ridgewood News on Jan. 16, 2009 with the date, time and place of the special meeting.
3. Roll Call: The following Commissioners were present: Chewcaskie, Dachnowicz, Kelaher. For the record, also in attendance through a telephone conference call conducted through the Bergen County Data Processing center, Confirmation No. 21, was Commissioners O'Malley and Dator and Counsel Doug Bern. The following Commissioners were absent: Ariyan, Shafron and Kasparian.
4. Chairman's remarks: The Chairman had no remarks.
5. Meeting to authorize execution of the Bridge Loan documents with TD Bank N.A.

Commissioner Kelaher moved that we open the meeting, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the motion.

For the record it was noted that there was no public present at the meeting. Commissioner Chewcaskie moved to close the meeting to the public, seconded by Commissioner Kelaher. All Commissioners present voted in favor of the motion.
6. Discussion on Resolution No.14-2009 by the Commissioners to authorize the Authority to execute the Bridge Loan Documents which was subject to the written approval of the County Executive pursuant to N.J.S.A.40:14B-14(c) and consummate the loan closing with TD Bank, N.A. There was no further discussion on the resolution.
7. Resolution No.14-2009 was offered by Commissioner Chewcaskie, seconded by Commissioner Dachnowicz. All Commissioners present voted in favor of the Resolution.
8. There was no public present.

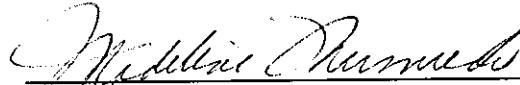


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9. **Adjournment. Motion to adjourn was made by Commissioner Chewcaskie, seconded by Commissioner Dator. All Commissioners present voted to adjourn at 8:45 a.m.**



Madeline Thumudo, Secretary



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**MINUTES
REORGANIZATIONAL MEETING
FEBRUARY 3, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Reorganization Meeting, to order at 7:10 p.m. to discuss items in detail. The Work Session ended at 7:58 p.m., at which time the Commissioners proceeded into the Reorganization Meeting.
2. Chairman read the statement in compliance with C.231, PL 1975.
3. Proof of Notice – Reorganizational Meeting. (Attached)
4. Roll Call: The following Commissioners were present: Ariyan, Chewcaskie, Dachnowicz, O'Malley, Shafron, and Kasparian. The following Commissioners were absent: Dator and Kelaher.
5. Salute to the Flag was led by the Chairman.
6. Chairman's remarks. No remarks at this time.
7. Approval of Minutes – Regular Meeting of Jan. 6, 2009 and Special Meeting of Jan. 22, 2009. Commissioner Ariyan made a motion to accept the minutes as presented and seconded by Commissioner O'Malley. All Commissioners present voted in favor of accepting the minutes except Commissioner Chewcaskie who abstained from voting on the minutes of Jan. 6, 2009.
8. Election of Officers
 - a) Report of Nominating Committee – The Nominating Committee has met and Commissioner O'Malley, Chairman of the Committee, reported that they nominate Commissioner Ariyan for the office of Chairman and Commissioner Kasparian for the position of Vice-Chairman.
 - b) Election of Chairman for ensuing year – There were no other nominations for the slate at this time. Commissioner O'Malley moved the nomination of Chairman, seconded by Commissioner Shafron. All Commissioners voted in favor of Commissioner Kasparian as Chairman.
 - c) Election of Vice-Chairman for ensuing year – There were no other nominations for the slate at this time. Commissioner O'Malley moved the nomination of Vice-Chairman, seconded by Commissioner Shafron. All Commissioners voted in favor of Commissioner Ariyan as Vice-Chairman.

9. Consideration for approval – list of Resolutions dated February 6, 2008.

Commissioner Ariyan requested that the vote on Resolution No.24-2009 be done separately.

Commissioner Chewcaskie noted that Resolution No.23-2009 should be removed from the Consent Resolution because it is being tabled.

Consent Resolution for Resolutions No.15-2009 through 22-2009 and 25-2009 was moved by Commissioner Chewcaskie, seconded by Commissioner Kasparian. All Commissioners present voted in favor of the resolutions.

Resolution #15-2009. – Approval of vouchers, payroll transfers, payroll tax deposits and pension and benefits transfers for Jan. 2009. Payroll \$200,360.24, Tax Deposit \$85,445.23, PERS and Contributory Insurance \$23,882.74, Health Benefits \$65,149.05, Dental Benefits \$5,098.93, DCRP Employee Contribution \$22.92, DCRP Employer Contribution \$12.50, Operating Account \$382,355.83 and Improvement Account \$99,648.66.

Resolution #16-2009. Appointment of Professionals and Consultants for 2009. This resolution is to appoint Douglas Bern, Esq. As General Counsel, T&M Associates, Inc. as Consulting Engineers and Lerch, Vinci & Higgins, LLP as Auditors for 2009.

Resolution #17-2009 – 2009 Schedule of Meetings. This Resolution was to approve the Meeting Schedule for 2009.

Resolution #18-2009 –Authority’s Official Newspapers for 2009. This Resolution was to designate the Record and Ridgewood News as the official newspapers for notices for 2009.

Resolution #19-2009 –Proposed Sanitary Sewer Extension, Oto Development, Inc., Hampton Inn & Suites, Twsp.of Mahwah. This resolution was to approve a proposed 111-room hotel on Route 17 in Mahwah, which will add 44 non-residential EDU’s from Mahwah.

Resolution #20-2009– Resolution authorizing Executive Director to enter into a professional services contract with Connor Strong Risk Control Services regarding the coordination and conduct of alcohol and drug testing services. This resolution is to continue participation in this program.

Resolution #21-2009 – Resolution of the Northwest Bergen County Utilities Authority authorizing submission of a “Loan Application” and “Design Documents” to the New Jersey Environmental Infrastructure Trust for inclusion in the 2009 Financing Program for the Franklin lakes Sanitary Sewer Project. This resolution is to allow the Executive Director to execute any and all necessary documents associated with the loan application.

Resolution #22-2009 – Amendment of Chavond-Barry Engineering contract.

This resolution is to amend the contract to implement many of the recommended activities, specifically with respect to the startup and testing of the IDI Incinerator and the repair of the Niro Incinerator.

Resolution #23-2009 - TABLED

Resolution #25-2009. Authorization to hire Jaime M. Weiss Realty Co., Inc. to appraise property in Franklin Lakes. This resolution is to engage the services of Jaime M. Weiss Realty Co., Inc. in the amount of \$2,500 in order to prepare an appraisal of property in Franklin Lakes.

Resolution #24-2009 – Appointment of Public Relations Consultant for 2009. This resolution is to appoint McEntyre Associates, as a non-fair and open contract, as Public Relations Consultant for 2009 at a not to exceed price of \$24,000.00 for the year. The Resolution was moved by Commissioner Chewcaskie, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the Resolution, except Commissioner Ariyan who recused and abstained from voting.

Motion #1 – Motion to approve Change Orders #1 for Contract #246 Sludge Thickener Process Improvement Project as prepared by CH2M Hill in the credit amount of \$88,917.83. Motion was offered by Commissioner Kasparian, seconded by Commissioner Shafron. All Commissioners present voted in favor of the Motion.

10. Reports of Committees.

11. Officers Reports:

- a. **Treasurer – The Treasurer reported that short term paper for 29 days approximately \$8 million at an interest rate of .65% with the exception of \$203,000 at .4%. Asked for Commissioners consideration, the Treasurer had a conversation with North Jersey Community Bank and they expressed that they would be willing to set up liquid funds at a slightly higher rate. The Chairman wanted to know if we have any input on North Jersey. The Executive Director noted that they gave us a high rate initially but this last month they refused to give a rate for short term CD's. The Bank of New Jersey has now submitted their paperwork and we are going to be getting quotes from them.**
- b. **Counsel – Nothing further to report.**
- c. **Engineers – Nothing further to report.**
- d. **Personnel – Commissioner Shafron requested that the Personnel Committee report from the work session be incorporated into the Regular Meeting minutes. He feels the need to express this at meetings because the Authority is sometimes unfairly criticized that**

our Regular meetings are short because they are taken separately than our Work Session and it is because we discuss what we do extensively at the work session and we approve it at a regular meeting. For the new year he would like it reflected in the minutes. Only the Regular Meeting minutes are distributed to the municipalities, which are brief, but all minutes are available upon request.

Personnel Committee report – (1) Approval to continue in the CDL Random Drug and Alcohol Testing Program for 2009. There was a resolution tonight to continue our participation. It is basically the same program we have been enrolled in.

(2) Salary Increases for non-bargaining employees was tabled until the March meeting.

(3) Appointment of professionals for 2009. RFQ's were received for Auditor, Consulting Engineer and General Counsel. It was recommended that Lerch, Vinci & Higgins be appointed Auditor for 2009, T&M Associated be appointed as Consulting Engineers for 2009 and Doug Bern, Esq. Be appointed as General Counsel for 2009. A resolution was approved at the regular meeting.

12. Report of Executive Director. Nothing further to report.

13. Report of Superintendent – absent. Nothing further to report.

14. Old Business –

Commissioner Chewcaskie noted that if we are going to formally change the meeting to March 4th pursuant to the Executive Directors request we make sure it is on the list when we send it to the newspapers. He was assured it would be changed before being sent out.

15. New Business – No new business to report.

16. Public comments (on subject 6 through 15). The Chairman noted that we have the public comments at this time and the agenda indicates the comments will be accepted for subjects 6 through 15 which in particular we didn't specifically discuss the odor issues with the neighbors. Seeing that there are members of the public here we will be opening up the comments for each member that wants to make a comment on whatever they are here for.

Mr. Chris Hagens, 2 Whites Lane. He noted that Commissioner Ariyan had made it clear when he was Vice-Chairman last month that interacting dialogue would no longer be accepted at the meetings between public and the Authority. He felt that it was indicated that they would have to pose questions and then they would be responded to subsequently. He wanted to clarify this because it becomes a little bit difficult. Specifically, in the minutes, he assumes that there are a number of questions posed by the public at the last meeting which he did not hear any answers to tonight with the exception of the Exec.Dir. indicating that you have gone back to Odor Science. There were really no real answers to those questions. He wondered if there were going to be forthcoming or if we

must submit them in writing before a meeting to be discussed and answered at the next meeting. He wants to know what the protocol should be.

The Chairman briefly addressed his statements. As for his first statement the Chairman noted that he is not trying to stifle any dialogue whatsoever. He feels that the two years he has been coming no one on the board has tried to stifle a dialogue or not address his concerns. It certainly was not the intent of the board. What he was trying to do, since there were at least 30 members of the public here, was to be productive and wanted to limit exchange from different members of the public asking particular Commissioners or the Exec.Dir. or the Supt. questions which would not be fair to them and also unproductive for the meeting. The second point is what we did was take everyone's exhibits, hear everyone's questions and concerns, everything that was received was noted for the record (complaints, petitions, locations of the alleged travel of the odor) and handed to our engineer and sent over to Odor Science, our consultant and the conclusion was that they are basically working on this. In these times when it is 20 degrees outside they are not going to be able to investigate effectively. When it gets warmer it will be more conducive to have a productive test.

Mr. Hagens wanted one clarification on doing things in the future. If there is more than six people at the meeting does it mean that he shouldn't try to address something or are they just going to handle it and say well, tonight we don't want to go back and forth. It was pointed out that the public comment session is for a public comment it is not for dialogue. If you ask a question to which anyone of these qualified people can answer it, you know for sure they would give you the answer right than. Mr. Hagens felt there were several questions that weren't answered. Expressly, police reports were handed in and asked whether these were in the log of the Authority; if they were why did Odor Science miss it. Also, wanted to know if we could look into a portable air scrubber before the spring.

The Vice-Chairman asked Mr. Hagen if he has read the Odor Report because it seems hearing him speak it is as if we are doing nothing. We are spending millions of dollars and he is making piecemeal comments and coming to conclusions that he feels are completely erroneous. For Mr. Hagen to say that the Exec.Dir. is talking about some sealed area, which is an odor control process that has been documented by our engineers and provided to you. The Authority is taking this issue very seriously and spending millions of dollars on it.

The Exec.Dir. stated that what Mr. Hagen is saying is that we should investigate, as we move ahead with these projects, odor abatement technologies or applications which could be applied. The Exec.Dir. explained what happens whenever we have to empty a tank, which can produce odors. Once everything is cleaned out and the work begins there will be no odors. Our consulting engineers will work with the contractors to come up with abatement if there is such a thing to be considered.

The Vice-Chairman informed him that we are seeking permanent solutions not

temporary measures. The Chairman reiterated that 30 people came last month and the people that are here tonight all have the same issue and it is not that we are not answering each specific question, it all dealt with the odor issue. We are spending good money on a professional scientist and it doesn't mean that during the public comment session we have to answer each one on an individual basis, which is not fair to the engineer or the Exec.Dir. and may be counterproductive. We want to give everyone every opportunity to speak their mind and express their concerns and you have seen that we have done that. He asked that he not take criticism with the fact that we weren't able to answer every single question from thirty different people. We accepted all the documents and everyone was offered an opportunity to speak during the public comment session. Information was taken and forwarded to the engineer and then to the consultant.

It was pointed out by the Vice-Chairman that this plant is in total compliance and we are trying to be good neighbors by addressing the issue and doing everything possible. We have several projects in progress that are addressing the issue and there will be a big difference once they are completed.

Marilyn Perelli, 2 Whites Lane. Wanted to point out, if anybody is reading the reports and what the Authority is doing. If you read the letter from the Exec.Dir. and review the OSE reports there is a conflict. The first conflict she pointed out was that the Exec.Dir. says the odors definitely occur between 8 a.m. and 4 p.m. There was some discussion and clarification on what was written in the letter from the Exec. Dir.

The Chairman noted that this is what he wants to prohibit. The Chairman asked Ms. Perelli to please stop speaking. He stated she is addressing Mr. Hurwitz, which he is trying to avoid. In the past several months that the public has been attending no one has been stifled to comment or heard in full. It is absolutely not fair for Ms. Perelli to say that she will not allow the Chairman to finish when he wishes to make a comment. This is the public comment session and what he wanted to avoid last time, this is a perfect example of what he wanted to avoid and why we are going to stop doing things in this manner now, is a personal attack and a dialogue in between the public and the Exec.Dir, engineer and Superintendent. It is to be kept a public comment session not a time for banter, argument or accusation. He requested that she make her comment, be brief and let the next member of the public speak.

Ms. Perelli stated that she would make her comment and be brief. She felt there is a contradiction between the report from OS&E and what the Exec.Dir. said in his letter to the neighbors. She asked if it would be possible to have an e-mail address to present their questions to the board in advance so in the future they would know how to get questions to the Authority and how to get responses.

The Chairman recommends using regular mail so there is no miscommunication. He asked if she had the Exec.Dir.'s e-mail address but she wants other interaction besides the Exec. Dir. She was advised to forward her questions to the Exec.Dir.

Mr. Phil Radomsky, 5 Dow Ave. He sent an e-mail to the Exec.Dir. yesterday. On Dow Ave. there is a main line and noted that during dry weather there is odors from that line. His comment was this question of why it smelled on weekends and evenings when the work was going on during the day. Basically, evening and weekends is when people flush and do their cooking, etc. that basically is coming from the sewer and not just the operations. It was pointed out that that line is Waldwick's and it should be taken up with Waldwick. Mr. Radomsky made some suggestions in his e-mail, which Howard will forward on to T&M to review.

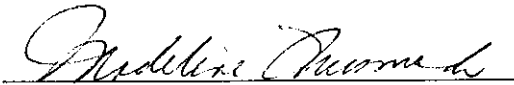
Comm.Shafron assured the public that the Commissioners are very sympathetic to their problem and we are working very hard with our engineers to find a solution that is going to work. We need to identify where the odor is coming from which is why we hired OS&E. We cannot get a solution until we properly identify where the odor is coming from.

It was recommended by the Vice-Chairman in order to avoid this type of interaction, which is counter productive, on a six week basis the neighbors be invited to sit down with the Exec.Dir. and our engineer with direct dialogue between them and than later report back to the board to act upon. These meetings are not designed for this type of dialogue. It is for public comments only. He suggested a forty-five minute meeting every six weeks.

Mr. Casey, 4 Whites Lane. He suggested a few months ago that a Commissioner be appointed as a go between with the neighborhood so this same thing doesn't happen that happened at tonight's meeting. On Oct.7th he met with OS&E and John McKelvey and while waiting for the gate to open he could smell the odors coming from the primary tanks. He was certain that was the odor that they are smelling. He felt the misting fans are making things worse.

There were no further members of the public that wished to speak.

17. Adjournment. A Motion to adjourn the meeting was made by Commissioner O'Malley, seconded by Commissioner Chewcaskie. All Commissioners were in favor of adjourning the meeting at 8:45 p.m.


Madeline Thumudo, Secretary



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**MINUTES
REGULAR MEETING
MAR. 4, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:51 p.m. to discuss items in detail. The Work Session ended at 7:50 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaher, O'Malley, Plumley, Shafron and Ariyan.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Oath's of office were administered by Counsel to Commissioner Marion Plumley and re-appointed Commissioner Jason Shafron.
6. Approval of Minutes. Reorganization Meeting of Feb. 3, 2009. Commissioner Chewcaskie moved the minutes be accepted as presented, seconded by Commissioner Ariyan. All Commissioners present voted in favor of the minutes except Commissioners Kelaher and Plumley who abstained.
7. Public Comments. (any subject). The Chairman noted that there were several members of the public present including Councilman Giordano who spoke at the Work Session. Councilman Giordano thanked Commissioners for what they have done so far to help the residents with the problems they have been having. He felt it was nice to know the Commissioners were listening and trying to help them and advise them on what to do. He wanted to say thank you and to ask us to continue our help with the residents that have a problem with the odor. Councilman Giordano stated that a lot of money has been spent to try and find a solution by hiring professionals to come in and come back again to find the problem. He asked that maybe periodically some members of the Authority could meet with him and the Mayor to keep them abreast of what is happening so they can be prepared for their council meetings. He stated it is good to work together which might help the situation. Thanked the Commissioners and asked if they had any questions for him.

Commissioner O'Malley and Executive Director Hurwitz noted that it was discussed at the last meeting that every four to six weeks there would be a meeting with our professional, the Exec. Dir., the Superintendent, perhaps a Commissioner to go over where we stand and to answer any questions. It was felt it just took up too much time and got too specific to answer all the questions at the meetings. It is the intention of the Chairman to get things started within the next few weeks. Councilman Giordano stated that he and the Mayor would like to be in on these meetings as well.

The Chairman informed the Councilman that the reason for these meetings is because what was happening during the public comments session, which is specifically designed just for public comments. They were turning into a dialogue sometimes more heated than other times, which did not make the meeting productive. What was suggested by Commissioner Kasparian is every six weeks or so meeting with either a member of the Waldwick board, any members of the public, Mr. Hurwitz and taking whatever time is required to get things accomplished.

Mr. Radomsky, 5 Dow Ave. Waldwick. He stated that he was going through the Odor Science report and noted it had good information except their sampling theory when they were out in the area. It was only for two days and one night they had the odors and one night they didn't. It was a little broad to say in general we don't have odors. He was surprised that many weren't aware that the odors carry. People's sense of smell varies and for the workers being in close proximity it is neutralized by the gases that they are around. He felt that even from the report a lot of the smells seem to be coming from the primary. He is concerned that the odors will only get worse in the future. There has been some odor even during cooler weather. He feels we have the staff and should be able to pinpoint it. If something can be done we have the expertise to do it.

No other members of the public had any comments.

7. Consideration for approval list of Resolutions attached dated Mar. 4, 2009.

Consent Resolution for Resolutions No.26-2009 to 29-2009.

All Resolutions were discussed during the work session. The Resolutions were moved by Commissioner Kelaher, seconded by Commissioner Ariyan. All Commissioners present voted in favor of the resolutions.

Resolution #26-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Feb. 2009 and Health and Dental Benefits for Mar. 2009 as follows: Payroll Account \$187,299.05; Tax Deposit Account \$81,407.35; PERS and Contributory Insurance \$23,410.87; Health Benefits \$64,522.68; Dental Benefits \$5,068.44; DCRP Employee Contribution \$22.91; DCRP Employer contribution \$12.50; Operating Account \$440,535.08; Improvement Account \$97,306.40.

Resolution #27-2009. Salary Adjustments for 2009. This resolution is to increase the salaries for Administrative and Supervisory personnel for 2009.

Resolution #28-2009. Award of Contract, Potassium Permanganate. This resolution is to award the contract for potassium permanganate to the low bidder, Brenntag Northeast in the amount of \$3.05 per pound for 25 kg containers and \$2.89 per pound for 150 kg containers for a one-year period.

Resolution #29-2009. Resolution of the Northwest Bergen County Utilities Authority concerning the review of findings and recommendations of the Local Finance Board pursuant to N.J.S.A.40A:5A-7 relating to the hearings held by the Local Finance Board in connection with the issuance of the Authority's not to exceed \$8,250,000 Utility System Revenue Bonds, 2009 Series. This resolution is a requirement of the Local Finance Board, which requires the governing body of the Authority, within 45 days of receipt of their findings and recommendations, to certify by resolution that each member has personally reviewed the findings and recommendations.

Resolution #30-2009. This Resolution was read into the record by Counsel Bern to petition the Governor to act favorably on its Environmental Infrastructure Trust applications and to provide grant funds to the extent possible to offset the cost of worthy projects. The Resolution was moved by Commissioner Shafron, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the Resolution.

8. Reports of Committees

- A. Finance Committee – A Resolution was passed concerning the review of findings & recommendations of the Local Finance Board.**
- B. Personnel Committee – A Resolution was passed increasing the salaries of Administrative and Supervisory personnel.**

Commissioner Shafron reported that everyone had received information about employees who are retiring.

The Executive Director reported that the New Jersey State Legislature is very close to approving regulation, which requires everyone to have a Qualified Purchasing Agent. The Superintendent and Administrative Assistant are taking the necessary courses so they will both be qualified.

- C. Insurance Committee – There were some concerns about the Public Officials Liability Insurance in light of a case involving the Middlesex County Utilities Authority. The principal allegations were that there was a breach of contract in a construction contract by the Authority and the individual members of the Authority and that the district court of New Jersey found that there was no insurance coverage for those individual Commissioners in a breach**

of contract case. The Insurance Committee was asked to look into this matter further and report back at the next meeting.

- D. Operating Committee – An application has been submitted to the Infrastructure Trust for the Franklin Lakes Sewers**

Waiting for a replacement controller for the incinerator.

Contract Operations are continuing in Waldwick, Midland Park, Wyckoff, Emerson and Saddle River. We have completed TV Inspections for Haworth and Waldwick and are anticipating more municipalities for 2009.

Specifications are completed and will be advertised for the Solar Energy Project.

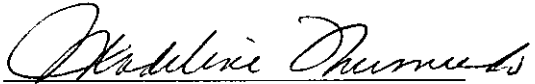
- E. Buildings & Grounds – Nothing to report.**

- F. Report of Treasurer – Short term notes we have \$17,507,877. We have a new bank that gave us a rate of 3.25% for the large majority of the \$17 million, which is Bank of New Jersey. A month ago we were receiving .65% for the same timeframe of investment.**

Executive Director reported that we closed on the Bond Issue of \$7 million last Thursday and we were reluctant to go back to Bank of New Jersey to invest this money, even though we would be insured. We didn't take any action except to go to the other banks and TD Bank was the only one interested at .4% so we only invested for one week. We will continue to go to smaller community banks, which may be able to provide us with better rates. We will continue to explore other community banks as well.

- 11. Report of Counsel – Nothing further than what was discussed at the Work Session.**
- 12. Report of Engineer – Nothing further than what was discussed at the Work Session.**
- 13. Report of Executive Director – Nothing further than what was discussed at the Work Session.**
- 13. Report of Superintendent - The Superintendent was absent.**
- 14. Old Business. Chairman asked the Executive Director to try and schedule a First meeting with the local residents so we can address some of their concerns on an interactive level while we are waiting for warmer weather, specific recommendations, etc.**

15. **New Business.** Comm.O'Malley noted that Mr. Henderson of T&M has been in touch with him and talking about some of the plans for the Upper Saddle River sewers. He has been working on this for the last few months and he has some drafts and asked if it is okay for them to meet with Upper Saddle River just to give them an idea of where the most need is. Hope to have a meeting with some members of the governing body before our next meeting and come back to the Commissioners with a report.
16. **Public comments (on subjects 8 through 17).** No public comments.
17. **Adjournment.** Motion to adjourn was made by Commissioner Dator, Seconded by Commissioner Kasparian. All Commissioners present voted to adjourn at 8:10 p.m.


Madeline Thumudo, Secretary



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**MINUTES
REGULAR MEETING
APRIL 7, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:04 p.m. to discuss items in detail. The Work Session ended at 7:45 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kelaher, and Ariyan. The following Commissioners were absent: Kasparian, O'Malley, Plumley and Shafron.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Chairman had no remarks.
6. Approval of Minutes. Regular Meeting of Mar. 4, 2009. Commissioner Kelaher moved the minutes be accepted as presented seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the minutes.
7. Public Comments. (Any subject).

Chris Hagens, 2 Whites Lane, Waldwick. Wanted to thank Mr. Hurwitz and Comm. Dachnowicz for hosting the residents meeting last Thursday evening. A lot was not accomplished but dialogue and interchange is always good. It is a little disappointing that we are heading into another summer and really don't have anything concrete to show for it except for some of the things like the scum trough replacement and the belt filter press enclosure. Hopefully these will help. It may not help their area but he thinks they will help in general. He wanted to make a point, he asked Mr. Hurwitz about the analyzer and wondered if it is just going to prove that there is an odor or not. As explained to him the first thing is to find out if it even registers something but Mr. Hurwitz had a very good point that it seems like on Friday afternoons about 4:30 is when the odor appears. If we can see a spike on this meter and somehow relate it to some spike in the inflow maybe some industrial facility is holding up flow and flushing it down on a Friday afternoon. It dawned on Mr. Hagens that these could be things that are happening on the nights and weekend. Feels the analyzer is probably a good

idea and it may truly give us some concrete statistics and it is important for Mr. Hurwitz to be convinced that there is truly a problem.

He feels the Odor Science report should not be discounted and feels there is a lot of good information and a few suggestions, besides the one about the wall. Not only were the primaries talked about but maybe covering just the weirs. Sounds like it might be a lot cheaper and less intrusive or less of a problem long term. The data in the report is good but felt they only went in the one direction. Wanted to thank Mr. Hurwitz for his time.

Mr. Hurwitz noted that they did discuss what could be causing the odors on a Friday afternoon at 4:30 p.m. Did not want to rule out the fact that there are industries out there, haulers who may well be cleaning up after the last shift on Friday and washing material down the sewers. They may be dumping a truck on Friday afternoon rather than keep septage on the truck all weekend and dumping it down a manhole. We do not know but it is not impossible that we are getting a surge of material, which is not normal sanitary sewer material. It is possibly only 10,000 gallons being released. We are trying to see if it correlates with anything, if there is any way we can measure it. We have 50 industrial connections, all of who are required to meet our discharge regulations or to pretreat to meet them. We only inspect once a year but the major facilities are inspected twice a year. It doesn't necessarily have to be anybody in the IPP program. We do not see any spike in our sampling either.

Marilyn Perelly, 2 Whites Lane, thanked the Commissioners for their time and effort.

8. Consideration for approval list of Resolutions attached dated Apr. 7, 2009.

Consent Resolution for Resolutions No.31-2009 to 35-2009.

All Resolutions were discussed during the work session. The Resolutions were moved by Commissioner Chewcaskie, seconded by Commissioner Dator. All Commissioners present voted in favor of the resolutions.

Resolution #31-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Mar. 2009 and Health and Dental Benefits for Apr. 2009 as follows: Payroll Account \$187,136.10; Tax Deposit Account \$75,952.87; PERS and Contributory Insurance \$23,668.65; PERS Employer Liability \$224,293.00; Health Benefits \$63,290.71; Dental Benefits \$4,950.91; DCRP Employee Contribution \$22.92; DCRP Employer contribution \$12.50; Operating Account \$299,948.60; Improvement Account \$5,000.00; Solar Project Account \$97,450.00; 2009A Project Account \$423,902.09.

Resolution #32-2009. Appointment of Incinerator Operator – David Capsouras. This resolution is to transfer Mr. Capsouras from O&M Helper

to Incinerator Operator effective Mar. 16, 2009 subject to a 90-day probationary period.

Resolution #33-2009. Award of Contract #250A for Bar Screen Replacement Installation. This resolution is to award the contract for bar screen installation to the low bidder, Ironhills Construction, Inc. in the amount of \$85,406.00.

Resolution #34-2009. Authorization to hire Weiss Realty to appraise easements in Franklin Lakes. This resolution is to engage the services of Weiss Realty for the amount of \$10,000 to appraise four properties in Franklin Lakes for proposed sanitary sewer easements.

Resolution #35-2009. Authorization of Douglas M. Bern, Esq., of Kaufman, Bern, Deutsch & Leibman, LLP as General Counsel to take necessary action in connection with Franklin Lakes Project. This resolution is to authorize Douglas Bern to take any appropriate action, including title searches, performing research, property inspections, engaging in negotiations, obtaining any required municipal approvals, and acquiring on behalf of the Authority rights of way either by easement or fee, in order to facilitate the Authority's implementation of the Franklin Lakes Project.

9. Reports of Committees

A. Finance Committee – Nothing further than what was discussed at the Work Session.

B. Personnel Committee – Nothing further than what was discussed at the Work Session.

C. Insurance Committee – Nothing further than what was discussed at the Work Session.

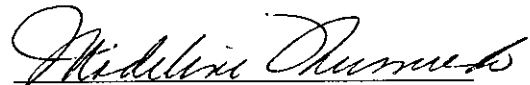
D. Operating Committee – Nothing further than what was discussed at the Work Session.

E. Buildings & Grounds – Nothing further than what was discussed at the Work Session.

- 10. Report of Treasurer –** There is an expansion of diversification in our investments. We currently have investments in five separate banks. Thanked the staff for diversifying our portfolio. We have a variety of interest rates based upon maturity. The lowest rate is just over 1% and the highest rate is just over 6%. The new banks are Bank of New Jersey and Mariners Bank. We have roughly \$20 million in investments. It was noted by the Executive Director that we have a lot of money because we just floated two bond issues and haven't started drawing on the accounts until this month. We reached out to our consultants and got a cash flow for all of the projects that are on the books so we were able to go out with one investment as far as August with a

2.75% rate on a million dollars with Mariners Bank because we don't need that money yet. We anticipate the solar money will be used by the end of this year; most of the 2009 Project money will be used by early 2010. We get better rates if we can go out for a longer period.

- 11. Report of Counsel – Nothing further than what was discussed at the Work Session.**
- 12. Report of Engineer – Nothing further than what was discussed at the Work Session.**
- 13. Report of Executive Director – Nothing further than what was discussed at the Work Session.**
- 14. Report of Superintendent - Nothing further than what was discussed at the Work Session.**
- 15. Old Business. Chairman thanked the Executive Director for getting a clock installed in the conference room.**
- 16. New Business. Will be sending an e-mail to the Commissioners with information on the death of Marilyn Varsolona's mother.**
- 17. Public comments (on subjects 8 through 17). No public comments.**
- 18. Adjournment. Motion to adjourn was made by Commissioner Dator, Seconded by Commissioner Dachnowicz. All Commissioners present voted to adjourn at 8:05 p.m.**


Madeline Thumudo, Secretary

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BOROUGH OF FRANKLIN LAKES
COUNTY OF BERGEN

IN THE MATTER OF THE NORTHWEST :
BERGEN COUNTY UTILITIES AUTHORITY:
PUBLIC HEARING FOR THE FRANKLIN : Public Hearing
LAKES SANITARY SEWER PROJECT : Transcript of
BERGEN COUNTY, NEW JERSEY, : Proceedings
:
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Franklin Lakes Public Library
DeKorte Drive
Franklin Lakes, New Jersey
Tuesday, April 28, 2009
Commencing at 7:45 p.m.

B E F O R E :

KEITH W. HENDERSON, P.E., P.P., P.L.S.

JOHN J. MC KELVEY, P.E.

HOWARD HURWITZ, Executive Director, NBCUA

ROBERT GENETELLI, Superintendant IPP
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MR. HENDERSON: Northwest Bergen County

PAGE 3

3

Utilites Authority. Public hearing, April 28th,
2009. Franklin Lakes Sanitary Sewer Project,
Borough of Franklin Lakes, Bergen County, New
Jersey.

All right. We can get started. Again
I apologize for the confusion. I think we got it
under control here.

I want to thank you for joining us
tonight the purpose of this meeting is to discuss a
project proposed by the Northwest Bergen County
Utilities Authority for the installation of sanitary
sewers in portions of the Borough of Franklin Lakes.

My name is Keith Henderson. I'm with
T&M Associates. I'm the Authority Engineer and also
the engineer for the project, and with me from T&M
is John McKelvey the project manager. Here from the
Authority in the back is Joseph Arian the Chairman,
Bill Dater of Chairman of the Operations Committees;
Howard Hurwitz, the Executive Director and Robert
Genetelli the Superintendent. All will be available
for questions when we're finished and again as
Howard said we have to condense this to about an
hour just, we have to vacate the room.

Again it's a public hearing. The
project itself -- this will start with, some of you

1 may not be familiar with the Northwest Bergen County
2 Utilities Authority. It's a regional authority that
3 owns 31 miles of interceptor, 18 metering chambers;
4 four pumping stations; has a wastewater treatment
5 plant in Waldwick which is rated at 16.8 MGD.

6 The Authority has a Board of
7 Commissioners that make the policy decisions and
8 then Howard and Rob as the executive staff carry out
9 those decisions. Here you'll see a map -- is that
10 in focus okay?

11 UNIDENTIFIED SPEAKER: No.

12 MR. HENDERSON: Push the screen back
13 and pull the table back. The problem is we're too
14 close. When in doubt just force the lens. So much
15 for electronics. I went to school before the
16 computer generation, so it's just bang on it and
17 make it work.

18 Okay. You'll see from this graphic,
19 this is the service area of the Northwest Bergen
20 County Utilities Authority and the system has a
21 series of interceptors and serves, you know the town
22 is kind of in the central portion of the service
23 area and its the plans of the Authority you know up
24 in Mahwah there's a regional pump station. Allen
25 Brook Interceptor, Ho-Ho-Kus Creek and it's the

1 plans of the Authority to eventually because it has
2 the capacity in the plan to start migrating to the
3 north and to the west to pick up additional
4 customers.

5 This is a picture of the treatment
6 plant that's 16.8 MGD and it's in Wyckoff --

7 MR. MC KELVEY: Waldwick.

8 MR. HENDERSON: No, Waldwick. It's not
9 something that's easy to move.

10 And again this is the main section of
11 the plant, and you know backs up to the hill side,
12 up on the other side. Very modern state-of-the-art
13 facility and is operated very well. Meaning gallons
14 a day.

15 Now, again continuing, who is the
16 Northwest Bergen County Utilities Authority?
17 Services about 75,000 people in 11 municipalities.
18 The land area is 67 square miles of which about
19 two-thirds of them are sewered. And the towns that
20 are members of the Authority are: Allendale,
21 Franklin Lakes, Ho-Ho-Kus, Mahwah, Midland Park,
22 Ramsey, a small portion of Ridgewood, Saddle River,
23 Upper Saddle River, Waldwick and Wyckoff. Those are
24 the constituent towns that send their sewerage or
25 have the potential to send their sewage to the plant

1 in the storage treatment plant.

2 We're here tonight to talk about the
3 possible extension of the facilities of the
4 Authority to Franklin Lakes. This meeting is
5 actually a requirement of the funding, we've applied
6 for federal funding which requires an environmental
7 public hearing. So the official purpose of this
8 meeting is to discuss the environmental impacts of
9 the project, but certainly, you know, we'll be happy
10 to answer any other questions as we move along.

11 With regard to Franklin Lakes. The
12 Borough of Franklin Lakes is approximately 9.8
13 square miles. The population is a little of over
14 10,000 residents. The majority of Franklin Lakes is
15 served by individual septic systems, but there are
16 six wastewater treatment package plants for the
17 large commercial and condominium properties along
18 Franklin Avenue and the Middle School. There's
19 various shopping centers in your downtown district
20 are all served by small package plants with feeder
21 discharge to ground water or discharge to surface
22 water permits.

23 Right now there's a small portion of
24 Franklin Lakes which does discharge to the Authority
25 via connections through Wyckoff and Mahwah. Again

1 a small percentage. And there's also a connection
2 to the Passaic Valley Sewage Authority to the
3 Township of North Haledon. Passaic Valley's plant
4 is the largest plant in New Jersey. It's the fifth
5 largest treatment plant in the country and it's
6 located in Newark.

7 Again the purpose of tonight's hearing,
8 the proposal to provide sanitary sewer system for
9 the Franklin Lakes Central Business District
10 surrounded by residential, commercial and industrial
11 areas. Public hearing is required by the NJDEP to
12 discuss the proposed sewer improvements and the
13 environmental impacts associated with the project
14 and to provide information on the project and answer
15 questions.

16 This meeting was advertised in
17 newspaper as well as most of you here should have
18 received individual letters that were sent to all
19 property owners that could be impacted by the
20 project.

21 At this meeting we're going to talk
22 about the project background and alternatives.
23 Scope of the project. Most importantly the needs
24 and the benefits. I'm going to have some graphics
25 to show potential gravity collections areas.

1 There's going to be a pump station and force main
2 which will be owned and operated by the Authority.
3 Go over some of the permit requirements, overall
4 project cost and then schedule and answer some
5 questions.

6 As far as the project background in
7 2005 the Authority started a feasibility analysis
8 for installing sewers in the Central Business
9 District to Franklin Lakes. Many of the property
10 owners there have come to the Authority requesting
11 assistance in dealing with their sewerage issues,
12 and that led to the Authority deciding to at least
13 start looking at it.

14 The analysis that was done in 2005
15 looked at the possibility of connecting a gravity
16 intersecting sewer to the Northwest trunk line in
17 Mahwah. That proved to be much too expensive and
18 then in 2007 looked at the concept of installing a
19 pump station and force main which is the project as
20 it's now envisioned.

21 And then in 2008, we submitted a
22 planning document for the NJDEP which discussed the
23 above studies and the project alternatives. The
24 planning document is required as part of the
25 Authority to apply to the New Jersey Environmental

1 Trust for, and that's a requirement of the DEP and
2 the funding agencies.

3 The alternatives that were evaluated
4 included no action. And the problem with the no
5 action alternative is that it doesn't derive any
6 environmental benefits. The package plants will
7 continue to function limiting the growth in the
8 downtown area and it will be associated issues with
9 septic tanks throughout the town.

10 The gravity line connection to the
11 Authority involves unfortunately some difficult
12 stream crossings. The difference between a gravity
13 line and force main just as it says, the gravity
14 line has to flow downhill to get from the town
15 ultimately to the Authority treatment plant; so
16 you've got to follow the lowest course in town which
17 is usually along the stream bed or crossing streams.
18 When you're putting in a pump station or a pressure
19 pipe then you can run that pipe pretty much anyway
20 you want to, and it means you can circumvent
21 wetlands and other environmental areas.

22 The other association of the gravity
23 line is deep construction, as you might envision as
24 the pipe gets deeper and deeper and as it gets
25 closer to the plant. You know future maintenance

1 difficulties and it was much more costly. So we
2 decided not to go with the gravity connection.

3 The gravity line and force main, what
4 this would be a gravity collection system throughout
5 the town, so there you go by flow gravity to a
6 central location and then would put in a pump
7 station force main to pump into the Authority's
8 interceptor. By doing so it has less environmental
9 impacts. Wouldn't have a limitation on future
10 capacity. We designed a pump station so that it can
11 be easily expanded by adding additional pumps and
12 force mains by size for the ultimate build-out of
13 Franklin Lakes, if the project continues to grow and
14 it ends up being the most cost effective
15 alternative. And as a result that's what we
16 recommended to the DEP and is what T&M Associates
17 recommended to the Authority.

18 The project scope is to provide a
19 gravity sewer line in the Central Business District.
20 This is really the core of the project. And,
21 secondly, I'll show you with an aerial photograph
22 that will show this. In fact why don't you go to
23 the aerial, John. Okay.

24 The key is, you can see this. The area
25 that's outlined in the purple is what we're seeing

1 is the potential service areas in treating the
2 downtown. Trying to get the maximum amount of users
3 to the minimum amount of pipe. Here's Franklin
4 Avenue and the Central Business District.

5 So the initial phase of the project
6 would be to put in a gravity pipe on Franklin Avenue
7 to service just the Commercial District. That pipe
8 would start here at Pulis --

9 MR. MC KELVEY: Do you want me to go to
10 the next slide? It shows the gravity line.

11 MR. HENDERSON: Yes, okay.

12 Yeah. Okay. A blowup of that section
13 would be -- Franklin Avenue would be a gravity
14 sewer. This would be the main interceptor. It
15 would then cross underneath the railroad, underneath
16 287, and continue to flow by gravity to a new pump
17 station which will be constructed in the back of the
18 Franklin Crossing Shopping Center.

19 We're actually going to use, they have
20 their existing package plant in the back now, it's a
21 nice split face block building, so we're going to
22 take, purchase that building and build a pump
23 station here. And then what will happen is the
24 green line is the force main will come back out of
25 the shopping across, across, go up past the car wash

1 and eventually out to Susquehanna Avenue, back to
2 Pulis and then up Pulis to eventually it gets to the
3 Authority's interceptor up near Mahwah.

4 Now, the existing package plants.
5 There's a package plant t Franklin Crossing, there's
6 a package plant -- this is Franklin Square. The
7 Horizon's project. There's another package plant
8 right back in here. So these are the package -- and
9 the Middle School as a package plant. So these are
10 the existing package plants, three, four, five and
11 Mountain Shadows is sixth.

12 So by putting in the Mountain Shadows
13 will be pumping into the interceptor. If we only
14 build the Central Business District, but that would
15 eliminate the six package plants.

16 Central Business District. Provide the
17 pump station to conveyance to the Authority's,
18 eventually for the interceptors to flow to the
19 plant. Eliminate the wastewater, the package plants
20 that we just talked about.

21 Now, the gravity collection service
22 areas. The local collection system would be the
23 main gravity sewer line, Franklin Avenue to Pulis,
24 under 287 to Franklin Crossing; and then you go back
25 one slide you can do the picture.

1 So we've got the Franklin Avenue,
2 that's a minute of six package plants that gives us
3 immediate customers. There's then the potential to
4 continue with orange lines for the gravity sewers
5 down Colonial Road, Akerman Street, Harriet,
6 Fieldstone Court, up in Campgaw Plaza, but by
7 extending the sewers up in here we're able to pick
8 up additional residences to expand the customer
9 base.

10 So the downtown area is one portion of
11 the project. The other portions then becomes, which
12 could either be, right now we adopt the design as
13 part of the project and you know assuming that we
14 can get funding and move forward will be to install
15 a gravity sewer on Commerce Street. Right now it's
16 an industrial area, light industrial, will flow by
17 gravity underneath the stream.

18 So for the stream crossing, probably
19 this is one of the most significant environmental
20 impacts and it is really minimal impact. We've
21 applied to DEP for the stream encroachment permit
22 and wetlands permit to cross under the stream back
23 in here, so we can connect Commerce Street to the
24 system. The advantage of the Commerce Street sewer
25 is very simply is, you've got this light industrial

1 area that right now is discharging septic systems,
2 so this would be a significant improvement to the
3 ground water quality in the Commerce Street area.

4 The other piece of the project that
5 we've included in is to sewer Susquehanna Avenue.
6 Gravity sewer starting here at Pulis, coming all the
7 way on Susquehanna back past the car wash and tie
8 into the interceptor on Franklin Avenue.

9 Again just like Commerce Street, it's a
10 light industrial area discharging right now to
11 septic systems, so by installing this gravity sewer
12 now provide sewer service to these buildings which
13 again is going to give us increased environmental
14 benefit and to the particular for ground water
15 sources. If we do go ahead and put in the
16 Susquehanna Avenue sewer, then Mountain Shadows
17 would hook into this pipe and then flow by gravity
18 down.

19 So that's really two different options
20 for Mountain Shawdows depending on exactly how much
21 of the project gets built and in what stages.

22 Right now like I said, we've designed
23 the whole system, but depending on funding and
24 financing and community interest we may just build
25 pieces of it and you know pay for it out over

1 several years.

2 So again just to reiterate, the main
3 line is on Franklin Avenue tying into that line
4 we're able to sewer by gravity all of this
5 miscellaneous side streets, and then we can pick up
6 the commercial and industrial areas on Commerce
7 Street and Susquehanna.

8 The pump station and the force main.

9 Okay. The pump station like I said is
10 being proposed at the Franklin Crossing at the low
11 point of the gravity system, besides the handle of
12 the initial flow of 118,000 gallon per day with
13 provisions for an additional 175,000 gallons per day
14 for future flow.

15 So what we've calculated as the area we
16 just said the downtown business district of the
17 Susquehanna, Commerce and the Mountain Shadows would
18 get us the flow of 118,000, and then if we wanted to
19 expand the system into other portions of Franklin
20 Lakes we've got provisions to significantly increase
21 that flow. The force main itself will go Franklin
22 Avenue to Susquehanna to Pulis and the final
23 connection is at Chapel Road in Mahwah.

24 The last couple hundred feet of the
25 force main will actually switch back to gravity so

1 we can pick up a half dozen houses or so that's just
2 beyond the current terminus of the Authority's
3 interceptors.

4 Now, the important part, the project
5 needs is the benefits. The purpose of sewers in
6 existing communities that relies on septic systems
7 is improvement of the ground water quality.

8 First it will allow for abandonment of
9 the package treatment plants which will improve the
10 ground water quality since the package plant is
11 discharge into ground water and also too is that --
12 the package plants the people that are running them
13 now are doing a good job, but it's just, it's a
14 better system to convey the sewage to the
15 Authority's plant, let them treat it and then
16 discharge it with the surface water and you know in
17 compliance with their permits.

18 It's also going to mean elimination of
19 individual septs from the residential and
20 commercial properties. The residential property,
21 again people have old septic systems, they start to
22 fail; they don't function correctly, so there's a
23 host of problems associated with residential septic
24 systems, so by tying residents into the sewer we're
25 improving the ground water quality that's right now

1 receiving discharge from the septic symptoms and for
2 the commercial and industrial properties.

3 There's a significant benefit there
4 because although we all want to be environmentally
5 conscious, it's just so easy for there to be a spill
6 of some chemical in one of those warehouses that's
7 going to end up going down into the septic not get
8 treated and potentially discharge to the ground
9 water. So certainly we can always try with making
10 this presentation in front of community groups you
11 really want your light industrial areas to be hooked
12 into public sewers.

13 And also by putting the sewer it's
14 going to allow improvements and modernization in the
15 Central Business District. Several of the shopping
16 centers have been unable to expand because they've
17 already reached the limit of their environmental
18 permit for their package plants. So by sewerage
19 downtown areas of the Central Business District will
20 allow continued improvement and modernization and
21 some expansion of those commercial entities.

22 The permit requirements are, we've
23 applied to the New Jersey Department of
24 Environmental Protection.

25 Treatment works approval. This is the

1 permit to actually construct the pump station and
2 the sewers. They're the people that regulate
3 sewerage treatment and it's through a process called
4 "NAGIFTY" which is the permit to discharge for the
5 Authority. So that's the major permit we have to
6 apply for.

7 Because we're going to be both the
8 force main and if you put the Commerce Street into
9 the project we're also going to have stream
10 crossings. So with them we've applied for
11 Freshwater Wetland General Permit No. 2. General
12 Permit allows for minimum disturbance in the
13 wetlands, so as long as we apply for the permit,
14 follow the criteria in the General Permit which we
15 will to, since we're having a minimal impact on the
16 stream and when the pipe is done it will be
17 revegetated and back to its natural state.

18 The same with the Flood Hazard Permit.
19 Any time you go through a stream besides the
20 wetlands fringe along the banks you also need a
21 Flood Hazard Permit which is issued by the same
22 agency, the Division of Land Use at the DEP. And
23 again the General Permit is less than, than a half
24 an acre of disturbance and that's the stream
25 crossing at Commerce Street and the Franklin

1 Crossing site.

2 Some other permits that are required:
3 Bergen County Soil Conservation District for Soil
4 Erosion and Sediment Control. If you disturb more
5 than 5,000 square feet of land you need soil permit.
6 And we're going to be installing in Franklin Avenue
7 and Pulis are county roads to run the Bergen County
8 Road Opening Permits; and if the system is built the
9 collectors in the side streets will also need Road
10 Opening Permits for the Borough of Franklin Lakes.
11 And we're going to be occupying the railroad
12 right-of-way with both the force main and the
13 gravity pipe to Susquehanna, so we'll need, and
14 we're crossing under their tracks on Franklin
15 Avenue, so we'll need a permit from the railroad.

16 Project cost.

17 In order to construct the entire system
18 as we've laid out, the pump station, the force main
19 and all of the service areas, Central Business
20 District area, Commerce and Susquehanna, the
21 preliminary estimates right now are 7.1 million
22 dollars. That's based on the plans and the state
23 they're in right now. Again with the economy, it's
24 hard to say when we finally do get the bill what the
25 cost will be. Right now we're estimating 7.1

1 million dollars.

2 In order to pay for that the Authority
3 had originally authorized to apply to the New Jersey
4 Environmental Infrastructure Trust for a low
5 interest loan. The Trust they leverage federal
6 money, 50 percent of the money is from the EPA and
7 that's at zero percent interest; and the other 50
8 percent the State going in local or projects
9 together and goes out for bonds, so they end up with
10 Triple A rating and just below the market value. So
11 you know going through the Trust interest rate ends
12 up being about two, two-and-a-half quarter percent.

13 We've also applied -- the project was
14 already underway, but when the federal government
15 announced the Stimulus Program, the project was one
16 of the first projects that was submitted to the DEP
17 for consideration under the Stimulus Program. The
18 DEP issued a call for the projects on December 20th,
19 since we were already into the DEP with our planning
20 documents we quickly finished the plans. We got
21 them submitted in January, so at least we were one
22 of the first quote, "Shovel Ready Projects" at DEP.
23 And if we do qualify for the Stimulus money, then
24 that could be as much as a 50 percent grant of the
25 project. And those are the priority list is

1 scheduled to come out this week --

2 MR. MC KELVEY: Friday.

3 MR. HENDERSON: Friday. But as it goes
4 it was actually supposed to be out two weeks ago and
5 we're pushing the date back.

6 But we're really hoping and timing is
7 everything that we have just happen to be in the
8 right place at the right time and we might be able
9 to build this with up to three-and-a-half million
10 dollars of grant money which would certainly have a
11 significant impact on us being able to put in more
12 pipe and service more users.

13 The project schedule.

14 Design is substantially complete.

15 We're waiting for DEP to finish review of the
16 projects, so they'll issue the final permit. The
17 funding is expected in the fall of 2009. Be it
18 November at the latest, although the Stimulus money
19 is going to be involved. We may even have that
20 funding a little early, so we're looking to put the
21 project out to bid in the fall.

22 Again, as I keep saying we still
23 haven't defined what the project is going to be, but
24 right now we're moving full steam ahead with all of
25 the pieces that we talked about, but again it could

1 be scaled back depending upon what the ultimate
2 finance ends up being. Start construction next
3 winter and the construction should take about 18 to
4 24 months.

5 So with that now I'll open up the
6 session to questions. Ask you to please state your
7 name and loud for the record spell your last name,
8 and because this is a required hearing by the DEP
9 there is stenographer that's here making a
10 transcript of this meeting.

11 MS. BOLTON: Virginia Bolton,
12 B-o-l-t-o-n, Franklin Lakes.

13 If you're going to run the feeders when
14 there looking to have residents what do you
15 anticipate the cost for the resident to tie into the
16 sewer? Because right now our plumbing goes into the
17 septic system changing the plumbing from the septic
18 to the sewer is going from one end of the house to
19 the other.

20 MR. HENDERSON: That's probable the
21 question I was expecting to come first and I wish I
22 had an answer for you right now. Because what's
23 going, I'm not trying to be evasive, what's going to
24 impact that if we can get the grant or not. If we
25 get a grant then the cost to the residences will be

1 significantly less than if we don't get a grant.
2 So, and I don't want to give you a worse case and a
3 best case because the worst case will be in the
4 front page of the newspaper tomorrow, and if I don't
5 get the grant you'll hold me to the best case.

6 So I apologize. I wish I could give
7 you an answer. I will say though the Authority's
8 treatment charges is \$360 a year.

9 MR. HURWITZ: We charge all
10 municipalities. We don't charge individuals. We
11 charge the municipality, and the municipality is
12 charged by taking all of the cost and dividing it up
13 among all of the towns. So it's averaging \$360 a
14 year which would be a fee that would have to be
15 paid. But, of course, you wouldn't have any -- and
16 you'll be charged a one-time connection fee. This
17 fee is \$1750, and the purpose of that is help pay
18 back the fact that all of the people for thirty
19 years have been paying for that beautiful treatment
20 plant and now you guys are coming in, so we charge
21 that one time. That's not a construction cost I
22 think.

23 MS. BOLTON: No, I appreciate that.
24 It's just the fact is whether or not it's going to
25 be if you're going to run the line -- along the

1 street does it become mandatory for a resident to
2 look into it.

3 MR. HURWITZ: That's completely up to
4 the town; is that correct?

5 MR. HENDERSON: Yes.

6 And the reason we're talking about
7 doing this in pieces is that the Central Business
8 District and we've been meeting with businesses and
9 owners of the package plants, so that gives us one
10 customer base. But as far as running the pipes in
11 the adjacent streets the Township is going to have
12 to be involved and grant us the necessary local
13 permits to do that.

14 Now, again it depends on the funding
15 and that's the part I wish I had an answer on the
16 funding. We're on the phone with them everyday.
17 But you know what happens is that if it goes the
18 traditional trust loan, we don't qualify for
19 Stimulus loans, then one of the requirements of the
20 EPA is there be a mandatory connection ordinance.
21 So we don't get a mandatory connection ordinance you
22 might not be able to run down the side streets, but
23 that's a decision that the town has to make or the
24 Borough.

25 MR. DECKER: Rob Decker, D-e-c-k-e-r.

1 The 7.1 million estimate did that
2 encompass the entire plan that you described,
3 all of the side streets --

4 MR. HENDERSON: Yes, all of the side
5 streets, Commerce, Susquehanna, and the Central
6 Business District and the pump station and force
7 main.

8 Now, and it's, it's a lot of money, but
9 we're -- you know we have to start to weigh the
10 environmental benefit and the cost of the sewers,
11 and again the Authority is not going to run sewers
12 where they're not wanted. So that's really the key
13 is. Does the community want sewers, the Authority
14 is ready to offer its assistance and by getting
15 ahead of the curve and you if we can come up with
16 grant money all the better.

17 MR. DECKER: Would you say that the
18 Franklin Avenue corridor is really the epicenter of
19 what you're trying to do first?

20 MR. HENDERSON: Yes, because the
21 package plants have a known volume and you know so
22 we've have an immediate customer base, yes.

23 MR. DECKER: Could the project proceed
24 with just that? And let's say, was it Commerce
25 Street the one on the other side of 287?

1 MR. HENDERSON: Commerce, yes.

2 MR. DECKER: That could be a future
3 separate project. If you didn't have that to hook
4 in you could still proceed with --

5 MR. HENDERSON: Yes, we've laid it out
6 in phases, the Central Business District, obviously
7 that's the core. That's the interceptor. So that
8 would that have to be part of the project, but then
9 all of the feeders going off in different directions
10 you know that can be added at a later date.

11 The only one that might go at the same
12 time would be Susquehanna because this would run the
13 force main up anyway by getting the trench open and
14 putting the gravity sewer back in the ground. So
15 Susquehanna would be a benefit, would be most cost
16 effective to Susquehanna now than to go back later
17 and reopen it. It can be done in pieces and then
18 again depending upon how the financing shakes out
19 then we can determine what is viable and what isn't.

20 MR. DECKER: Aside from the money
21 issue, what could prevent this from happening in
22 total?

23 MR. HENDERSON: I mean there's a slim
24 chance the DEP would not give us a permit, but
25 that's extremely slim chance. But no, once the

1 permits are issued and the funding whatever funding
2 is make the decision, the Authority is ready to go,
3 you know it's question of how much -- if we just
4 stay in Franklin Avenue then the county road opening
5 permit to go into any of the municipal roads, then
6 the municipality government would also have to issue
7 permits.

8 MR. BOLTON: Paul Bolton, B-o-l-t-o-n.
9 What is your current capacity

10 treatment; two, based on your projects projections
11 what would that inflow bring in and raise your
12 capacity to; and three, assuming a Floyd kind of
13 event, what kind of circumstances do you see under
14 those circumstances based upon your reserved
15 capacity in the project?

16 MR. HENDERSON: Well, the plant has had
17 a rating capacity 16.8 million gallons per day.

18 MR. BOLTON: What percentile is that of
19 your total capacity?

20 MR. HENDERSON: Total capacity 16.8
21 million gallons a day. The plant is operating right
22 now a little over ten million, so the 16.8 million
23 capacity. We're talking 180,000 gallons per day, so
24 it's a minuscule amount as far as the capacity that
25 the plant has.

1 Now, as far as you know flooding the
2 system is designed in the --

3 MR. BOLTON: The additional inflow of
4 the project --

5 MR. HENDERSON: 180.2 in -- .2 out of
6 ten, .2 out of ten, so it's less than .2 percent or
7 2. wherever the decimal point goes. The amount of
8 flow here is not really going to have an impact on
9 the treatment plant.

10 Again, and it's not that the Authority
11 is out trying to just find customers. We're not
12 talking about a significant amount of customers.
13 The real purpose of this project is that the package
14 plant, the septic systems, you know you have the
15 potential to harm your ground water supply and the
16 Authority is an environmental authority and it's
17 trying to protect the ground water and this is
18 really the benefit of the project.

19 Yes, sir, all the way back.

20 MR. BEDNARICK: Frank Bednarick,
21 Harriet Place.

22 As I have a contaminated well right
23 now, could you -- is there any money available from
24 the DEP or the State to add to whatever if you
25 complete the project, whatever you would pump out to

1 pick up any of the pollutants of the ground water
2 which we got tons of it in this area here, and run
3 that through a line and down and help me, the mess
4 that's under my feet right now.

5 MR. HENDERSON: The Authority's
6 discharge permit really doesn't allow the Authority
7 to take a continuous discharge of contaminated
8 ground water. We have to go back to the DEP to get
9 permission from that. The Authority does have the
10 ability on short term basis to take possibly
11 contaminated ground water; and again it would have
12 to be checked to make sure the contaminates wouldn't
13 impact the treatment process. The Authority's plan
14 really isn't designed to handle contaminated ground
15 water.

16 MR. BEDNARICK: So if it was
17 contaminated, but the point is the contamination is
18 there --

19 MR. HENDERSON: Nothing new will be
20 added and eventually, you know once you cut off the
21 source by eliminating the septic systems, then you
22 get natural attenuation and the soil has the ability
23 to break down many contaminants. So there is, you
24 know eventually it will cleanse itself.

25 MR. BEDNARICK: But it's not going to

1 help me with the benzene products and stuff like
2 that.

3 MR. HENDERSON: No.

4 Now, if you do have contaminated
5 drinking water wells you can contact the DEP because
6 they have a Bureau of Safe Drinking Water
7 Contamination Fund or Spill Fund --

8 MR. BEDNARICK: I'm into that.

9 MR. HENDERSON: Okay.

10 MR. BEDNARICK: The only thing that
11 bothers me now is in the beginning of March I got a
12 letter saying that the State will continue to take
13 care of this for me. But if, I'm not 45 years old
14 anymore, if I sell this property to someone they
15 come in they have to pick up the cost out of their
16 own pocket.

17 MR. HENDERSON: Yes.

18 Gentleman all the way in the back.

19 MR. MINKS: Christopher Minks. I'm an
20 attorney with Winne and Banta; W-i-n-n-e, B-a-n-t-a.
21 M-i-n-k-s.

22 I represent Cabrelli & Associates and
23 certain affiliates of Cabrelli & Associates. They
24 own commercial property in Franklin Lakes Shopping
25 Center near Colonial and the intersection, and

1 certain other property and that other property
2 intersects with Court Street which is an issue
3 whether or not that is a side street identified as
4 such.

5 I know this isn't the right forum for
6 the specific issues with respect to my client's
7 specific properties of which we have many concerns.
8 We had a meeting with Joe Conn from the Authority --

9 MR. HENDERSON: He's from my office,
10 yes.

11 MR. MINKS: From your office.
12 Specifically there's a lot of issues with respect to
13 cost, hookup, not just residents, but also the many
14 commercial properties, and although we appreciate
15 the problems of the project and I think it will have
16 great benefits ultimately. Certainly my client is
17 of that opinion.

18 There are issues with respect to
19 design. Now, I understand it's not complete, it's
20 not finalized. And really the most important thing
21 from my perspective and my client's perspective is
22 there will be meetings that will be made available
23 to us with the appropriate parties at the Authority,
24 and that we will have a voice in terms of the design
25 this on how it impacts our property.

1 For example, notwithstanding, the fact
2 that Franklin Avenue is going to be very much
3 disrupted at certain times during the project. One
4 aspect of it is with respect to my client's shopping
5 center is that it's essentially going to have been
6 shut down during certain aspects to that topography
7 and connection issues.

8 So we need some assurance from the
9 Authority that our concerns will be heard out and
10 that we will have an input with respect to the
11 design and how it may impact our property and
12 probably would be equitable for other, certain other
13 commercial properties along Franklin Avenue.

14 MR. HENDERSON: Yeah, actually if you
15 give thanks to -- yes, John has your card. And Joe
16 Conn works with T&M with us, and we've been directed
17 by the Authority to start contacting all of the
18 commercial properties and to start this dialogue.
19 And yes, to get into specific issues, so that we can
20 change the, tweak the designs up until we're ready
21 to going to build in the fall. We're opening up a
22 dialogue with the commercial properties, so that we
23 can address those concerns the best we can.

24 And, again, the Authority in proposing
25 this project is really trying to assist the business

1 community. So there's certainly no intent to try to
2 do anything that's going to harm or minimize the
3 impact during construction to any business in town.

4 MR. MINKS: And would Joe Conn be the
5 right contact person -- we're actually in the
6 process of preparing our initial overture letter
7 from our engineer and our engineer is here as well
8 as --

9 MR. HENDERSON: John is the project
10 manager. Joe, Joe Conn works for John

11 So you can just meet with John or
12 anything we can do to make it easier for the
13 business community to hookup we will do that.

14 MR. MINKS: Right, thank you.

15 MR. HENDERSON: Yes, sir.

16 MR. SCHUMACHER: Bruce Schumacher, from
17 Commerce Street. I have two buildings on Commerce
18 Street, and I'm interested in knowing how you're
19 going to handle that since Rockland Electric has a
20 caisson running down the middle of Commerce Street
21 with a 180,000 volts in it. I happen to be both
22 sides of it.

23 Are you guys going to get under it or
24 over it or how is that going to be handled?

25 MR. HENDERSON: That electric service

1 has been driving us crazy from the beginning. We
2 have very -- I would hope there accurate as-built of
3 have. We kind of moved the pipe around, under and
4 over. It's a very difficult design effort. But no,
5 we know it's there and ironically it changes
6 direction too. It's off the curb, it shoots behind
7 the curb, but if you want details, John would have
8 brought the plans for tonight, but we've taken it
9 into account.

10 MR. SCHUMACHER: Are you going to pump
11 up to our individual pipes to the gravity line?

12 MR. HENDERSON: We're trying to make
13 the pipe as low as we can in Commerce and
14 Susquehanna. Now, I don't know what facilities you
15 have inside the building. We're certainly not going
16 to service basements because that just drives the
17 whole system too low. But, at least where we are
18 right now we're going to be able to service the
19 first floor like that.

20 MR. SCHUMACHER: Thank you very much.

21 MR. HENDERSON: Yes, sir.

22 MR. DOYLE: Hello, my name is Doug
23 Doyle. I'm the Borough Attorney.

24 I spoke to the Mayor and she asked me
25 to come here tonight. She apologizes that fact that

1 she couldn't be here. She wanted to be here, but
2 she's with her son. She sends her apologies, but
3 any questions that anybody else may have they don't
4 think have been answered can be passed along to the
5 Mayor's office.

6 MR. HENDERSON: Thank you.

7 MR. TRAPP: Brian Trapp.

8 I'd just like to go back to try to help
9 this.

10 Are there any other towns that you
11 pretty much service that you already service similar
12 to Franklin Lakes Business District and the
13 surrounding areas that you've already done?

14 MR. HENDERSON: The Authority has been
15 building out the system for four years, and, so it's
16 been progressing you know some time. It is, right
17 now the expansion has been in Mahwah. The Authority
18 did the same thing build out phase two interceptor,
19 pump station up in Mahwah, and Mahwah itself has
20 been expanding its collections system throughout the
21 town.

22 So yes, this is a similar model --
23 we're talking to another town right now to put in
24 the same thing a pump station along the central
25 business district and --

1 MR. TRAPP: Let me redirect my
2 question.

3 Have there been other similar towns
4 that are comparable that, what you want to do in
5 Franklin Lakes that you've already done?

6 MR. HENDERSON: Mahwah.

7 MR. TRAPP: So, I just want to go back.
8 I think that was a fair question. And I can
9 understand your responsibility, and what you don't
10 want to hear in the day room, even though this isn't
11 a day room, but, so there should be a ballpark
12 figure, okay, maybe what you had in Mahwah to
13 possibly know what some of the hookups are for a
14 particular resident, and also for a business.

15 And then my next question is in regard
16 to the hookup, maybe we should know, do you have a
17 hookup date, correct?

18 MR. HENDERSON: Yes.

19 MR. TRAPP: And also the town also has
20 a charge too, for hooking up?

21 MR. HENDERSON: Any charges that
22 Franklin Lakes would be at the discretion of
23 Franklin Lakes. Right now I'm not aware of any
24 sewer ordinance in town that requires a connection
25 fee.

1 MR. TRAPP: So then, then, considering
2 that we're similar to Mahwah, then you couldn't on
3 an average, give us an estimate for a ballpark
4 figure on how much it costs for hookup for a
5 resident?

6 MR. HENDERSON: To be honest with you I
7 really, I learned from experience not to give out
8 ballpark numbers that are cast in stone.

9 MR. TRAPP: Are there ballpark numbers
10 for Mahwah?

11 MR. HURWITZ: Mahwah -- so we don't
12 have any.

13 MR. TRAPP: There's no other towns has
14 this before.

15 MR. HURWITZ: There's no towns in which
16 we, the Authority, rely for the individual hookup.

17 Now, we run these lines, the main
18 interceptors and the municipality and they're
19 collecting from the residences, whenever they
20 collect it from the residences and to the street and
21 you know into the --

22 MR. TRAPP: And it depends on whether
23 you're going through rock or you're not and --

24 MR. HURWITZ: And also sometimes if
25 you're connecting from septic to a sewer it depends

1 on whether the field is in the backyard, far away
2 from the road or it's in the front which is closer,
3 or if it's on the corner you might be able to save a
4 lot of money. So it's very hard to have like a
5 general...

6 MR. TRAPP: I think what's important
7 and I think what a lot of people will be asking you,
8 and they lay the groundwork thing, it's easy, it's
9 some type of schedule what it would cost, so forth,
10 for the average homeowner --

11 MR. HENDERSON: Again the purpose of
12 tonight's -- the purpose of --

13 MR. TRAPP: If you get the Stimulus
14 money it may not require a hookup.

15 MR. HENDERSON: Let me, let me take a
16 step back.

17 The purpose of tonight's hearing is
18 that we have to have an environmental assessment
19 hearing to discuss the environmental portions of the
20 project. If we had detailed costs, I'd be happy to
21 share that. But there's going to be more
22 opportunity to present the costs.

23 MR. TRAPP: For me it just wasn't
24 clear, that's all.

25 MR. HENDERSON: If what happens is, is

1 that the purpose of the connection fee, the \$1750
2 which actually the Authority, the calculation is
3 higher than that and they partially subsidize that
4 fee, but that's a statutory requirement that the
5 people who are the last ones in have to make up the
6 debt service to all of the people who were the first
7 ones in.

8 So, but then when you're funding a
9 local system if we're able to get the grant, then
10 the local share becomes minimal. So that's going,
11 in essence, we say okay there is going to be a small
12 charge to build the local system.

13 Now, there's two ways you can do that.
14 You know, when you're building the local system you
15 can either charge a connection fee and buy down the
16 debt and finance for the other half of the
17 connection fee which is going to have one number; or
18 you can finance the whole thing and just charge
19 people over the next 20 years of their sewer charges
20 to recoup the capital cost of building the system.
21 And yet all that is going to be worked out once we
22 know what the funding mechanism because it may
23 change.

24 Mahwah, for example, you know they've
25 opted because they didn't want to have this big

1 debt, so they do have a connection fee. But if, you
2 know Franklin Lakes wants to participate in building
3 the local system they might choose the reverse as to
4 go ahead, particularly if we get the grant before
5 then that question is answered; if we don't get the
6 grant, then that decision is, you know if the town
7 is going to participate would it rather just float
8 that bond out and have the debt, and again I can't
9 speak for the municipality's finances, you know
10 certainly if the Authority is going to do the
11 project themselves they have different arrangements.

12 MR. SCHROEDER: Russ Schroeder
13 S-c-h-r-o-e-d-e-r.

14 If you get the grant you're going to
15 build out the system as we saw it there, with or
16 without Franklin Lakes approval because you're not
17 going to require an ordinance in Franklin Lakes to
18 require mandatory hookups.

19 MR. HENDERSON: I can't speak to that
20 because I'm the engineer, but I just -- from a
21 layman's point of view -- see, for us to put pipes
22 in Commerce and Susquehanna would run you a local
23 road opening permit. So if the town is not going to
24 issue that permit we can't put those pipes in. The
25 county has to issue the county road opening permits,

1 so the Authority just can't come in and say we're
2 going to build a system and we just don't care.

3 MR. SCHROEDER: On Susquehanna you're
4 going down the railroad tracks, so don't you need a
5 road opening permit there.

6 MR. HENDERSON: No, for the force main
7 we're going to go along the railroad tracks. For
8 the gravity main we have to go in the street.
9 Because we have to run laterals out to the property
10 so that's the difference between the two.

11 But the Authority is not trying to
12 railroad this project. I mean they provide sewers
13 where people want sewers and that's the charge of
14 the Authority. The Authority has 36,000 customers.
15 You know it's not make or break the Authority over
16 whether Franklin Lakes participates or not.

17 MR. SCHROEDER: The reason I bring that
18 out is the town has to put in place ordinances to
19 establish a department within the Borough to bill
20 the individual users, even though it's a small
21 department they're going to need clerical help and
22 systems to bill out charges on a monthly basis or
23 semi-annual basis that connects to the system.

24 So I would think there's going to be
25 connecting charges to connect to the system and

1 ongoing charges to use the system.

2 MR. HENDERSON: I can't speak for what
3 the Borough is going to do.

4 Like I said our purpose right now, and
5 again I'm the engineer on the project was to get the
6 project designed. To get it in front of the proper
7 agencies. Try to get a grant for the Borough of
8 Franklin Lakes, and if we're successful, then you
9 know I take it as far as I can take it. Certainly
10 if the project is going to move forward, then that
11 next step is for the attorneys, for the Authority
12 and the Borough, and the DEP and so forth, for them
13 to get in and to figure out some of these other
14 mechanisms. And that has yet to be worked out.

15 Anybody else?

16 MR. HURWITZ: Let me just make a
17 comment.

18 It may turn out that, as Keith said we
19 just happen to be very fortunate and that we were
20 ready when a window opened. And the last time the
21 federal government paid for this kind of things was
22 in the middle the middle '70's perhaps; and
23 construction costs are very low today; and interest
24 charges are on bonds to borrow funds, especially
25 when you have a good bond rating are very low. So

1 everything is coalescing at one time.

2 If we miss the opportunity also you
3 have another twenty years before you can do the same
4 thing and maybe never at this cost. It's just
5 something to bear in mind. If it's ever going to
6 get done this really might be the time to do it.
7 And I must admit we didn't know that when we started
8 planning this in 2005. It just came together.

9 MR. DECKER: And when will you start
10 getting answers as to the grant and/or Stimulus
11 money?

12 MR. HENDERSON: The priority list is
13 supposed to be issued on Friday, so we'll have a yes
14 or a maybe on Friday.

15 The way the Stimulus works is you got
16 to be shovel ready. You've all heard that term. So
17 somebody might make the priority list and when their
18 turn come up if the plans aren't done, they just
19 move to the bottom of the pile and go to the next.
20 So our plans are done. So if we make the first cut
21 we're ready to go, then we'll know that on Friday
22 hopefully.

23 MR. DECKER: You referred to the grants
24 and infrastructure trust and then and/or Stimulus,
25 federal money.

1 MR. HENDERSON: The Stimulus is the
2 grant. It's not the grant portion. But the
3 Stimulus money is funneled through the same
4 Environmental Trust in New Jersey, that's the
5 conduit to spend the federal money for water and
6 sewer projects.

7 Joe, any final comments? Bill?

8 MR. LOCHINO: Mike Lotrino, Franklin
9 Lakes.

10 You mentioned you break this up into
11 phases. How many phases did you consider? And then
12 with that, what would be the cost of having it
13 officially breaking it above the 7.9?

14 MR. HENDERSON: We didn't work the
15 individual cost of the phases, but the system is
16 designed as the Central Business District is a
17 standalone. It's the spine of the system. So it
18 has to go in. And then the side streets can be
19 connected at any time, Susquehanna can be connected
20 at any time and Commerce can be connected at any
21 time.

22 So those pieces can be pulled out or
23 added in depending on, again, you know the community
24 wanting to be involved, not involved, the
25 individuals being involved. These are all the

1 details that have to be worked out.

2 So we designed it with the optimum
3 flexibility for getting the project started as well
4 as the ability to expand it. You know in the
5 future, if all of a sudden everybody in Franklin
6 Lakes wanted to be on sewers that's why we built in
7 180,000 gallons of extra capacity.

8 MR. TRAPP: So at some point do you
9 represent the cost of correcting the phases is going
10 to take the overall cost all the phases added up, do
11 you acknowledge as a cost basis comparison --

12 MR. HENDERSON: I don't know that. I
13 don't know that. Again it depends on how it's
14 broken up and when it gets constructed. But 7.1 is
15 the cost right now in the current market to do it
16 all as one project.

17 MR. TRAPP: As far as finding out about
18 the DEP grant, how is the flow of information going
19 to continue till it be the source to find out if on
20 May 1st --

21 MR. HURWITZ: It may be posted it on
22 the EPA web site.

23 MR. HENDERSON: It's actually DEP have
24 a web site. The state.nj.us/dep will be published
25 on their web site; and also the federal government

1 has a Stimulus web site to track the stimulus money
2 going from the federal web site and track it that
3 way.

4 MR. HURWITZ: They promised -- I got an
5 email saying that was their schedule. They'll send
6 us as an application, a copy.

7 MR. HENDERSON: Start packing up
8 because we have to be out of here in five minutes.

9 MR. TRAPP: You mentioned subsequent
10 meetings that were going to happen with businesses
11 to go over plans and adjustments to the system.

12 Would that be something be here or that
13 take place here in your offices in South Jersey,
14 county offices?

15 MR. HENDERSON: Bergen County. We've
16 been meeting on site with, you know, again it's hard
17 for guys running a shopping center to be at the
18 site, so we've been meeting in the offices of the
19 commercial users or on site at the project.

20 MR. HURWITZ: I think that's something
21 that can be directed to the municipality. They have
22 there own water and sewer engineer who are involved
23 in this or they did have for years and must have
24 given it some thought. So I believe in my view a
25 lot of this would be given at the municipal level.

1 MR. TRAPP: From that perspective when
2 would you expect another meeting of this type to
3 happen, what that date would be approximately?

4 MR. HENDERSON: Well, I think as soon
5 thereafter -- well, the businesses we're meeting
6 with now, meeting like this over at the residence,
7 as soon as we have financing information and then
8 you know some possible input on Franklin Lakes and
9 what their involvement may or may not be.

10 And you know it will happen as we
11 progress into May and June. Particularly if we do
12 get the Stimulus money, then we'll be able to run
13 the finances and then we'll have to start making
14 some very fast decisions because we have to be an
15 applicant within 60 days.

16 So if we do get Stimulus moneys there's
17 going to be another meeting next week or soon
18 thereafter, because we're not going to put the
19 Stimulus money at risk. So if we get Stimulus money
20 you know we got to get it done. If we don't make
21 the Stimulus cut, then the project wouldn't start
22 until next fall, so the schedule would be drawn out
23 a little bit. And the economics would be different.

24 So unfortunately we've promised the
25 Librarian we're going to be out, and so I just want

1 to wrap it up. But Boswell Borough of Franklin
2 Lakes sewer engineer and the Township Engineer.

3 MR. BOSWELL: I just have one
4 discussion and Mike raises a very good point.

5 Do you have a period of time that we
6 have to get our comments in by, 45 days, 30 days?
7 Is there a timeframe that you're looking for, a date
8 certain from the Borough to tweak it as you called
9 it because as you know we have some comments that we
10 want to go over?

11 Is there a timeframe that we have to
12 work within that we could do it?

13 MR. HENDERSON: If we make the, again,
14 if we make this Stimulus cut on Friday, then yes,
15 the schedule will be met when people we'll be under
16 the gun. We've got to be done within the next 30 to
17 45 days to wrap up all these details. If we don't
18 get the Stimulus money, then you know our plan was
19 to go through the normal funding in November. So
20 we've got sometime to -- actually that would have to
21 be done by the August 15th blackout date. So by the
22 middle of August we really have to have this wrapped
23 up at the worst case.

24 MR. BOSWELL: Well, would this for the
25 Borough of Franklin Lakes, if any residents have any

1 comment that they want to voice to the Mayor and
2 Council, then by all means you can always contact us
3 through the municipality with the Mayor and Council,
4 what have you, and we'll be happy to also carry the
5 comments on to Northwest Bergen County Utilities
6 Authority.

7 MR. HENDERSON: Thank you, Kevin.
8 Again I thank you all very much for
9 joining us tonight.

10 Thank you, and sorry for the mix up on
11 the rooms, but that's it.

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C E R T I F I C A T E O F O F F I C E R

I, JOHN D. CASTIGLIONE, a Certified
Shorthand Reporter and a Notary Public of the State
of New Jersey, do hereby certify that the foregoing
is a true and accurate transcript of the open public
hearing as taken by me to the best of my ability, at
the date, time and place aforementioned.

I DO FURTHER CERTIFY that I am neither a
relative nor employee, nor attorney or counsel to
any parties involved; that I am neither related to,
nor employed by any such attorney or counsel, and
that I am not financially interested in the action.

John D. Castiglione

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My Commission Expires:
August 19, 2013
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**MEETING
SPECIAL MEETING
APR. 29, 2009**

1. Meeting was called to order by Chairman Ariyan at 9:00 a.m.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: The following Commissioners were present: Dachnowicz, Dator, Kelaher, Shafron and Ariyan. For the record, also in attendance through a telephone conference call conducted through the Bergen County Data Processing center, Confirmation No. 39, were Commissioners Chewcaskie, O'Malley and Plumley. The following Commissioner was absent: Kasparian.
4. Chairman Ariyan led salute to the Flag.
5. Chairman's remarks. This meeting is to discuss and potentially authorize an award regarding Contract #251 for a 250kW Photovoltaic System.

Counsel Bern reported on his view of correspondence the Executive Director received asserting that there was some defects in one of the bids received which is the lowest bid from Ferreira Construction/Vanguard Energy Partners. Each of the items noted in the correspondence were examined and were found that they are either trivial and do not rise to the level that the Authority has to take note of them or they are waive able. One was a name discrepancy and an invertent lack of signature on one of the non-essential documents, a non-collusion affidavit. In reviewing them it was found that the Authority can waive the defects that are asserted in the bid pursuant to the statute and they can also move forward and select the lowest bidder. Also, the Authority's consulting engineer has reviewed the bids and has made a determination for Ferreira Construction/Vanguard Energy Partners JV, LLC as the lowest qualified bidder as well.

It also states in the Resolution that the Authority waives the fact that the affidavit was inadvertently not signed and that there was a whiteout on page 4 of the proposal. The whiteout was where the bidder attempted to write in his name and found out there wasn't enough room on the line, so he used whiteout and than used two lines for his name.

The Chairman summed up that we are within the statutes purview. We have addressed each of the objections and the resolution includes the necessary waivers and the Executive Director and Superintendent have researched the quality of the lowest bidder. The disparity between the lowest bidder is significant to the next



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lowest and the low bidder is the recommendation. They will sign the non-collusion affidavit before proceeding with the project.

Commissioner Dator pointed out that this lower bid would allow us to put in a larger system.

- 6. Discussion on Resolution No.36-2009 by the Commissioners to award Contract No.251 for 250kW Photovoltaic System. There was no further discussion on the awarding of Contract No.251 to Ferreira Construction/Vanguard Energy Partners JV, LLC, the lowest qualified bidder.**
- 7. Resolution No.36-2009 was offered by Commissioner Kelaher, seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolution.**
- 8. There was no public present.**
- 9. Adjournment. Motion to adjourn was made by Commissioner O'Malley, seconded by Commissioner Chewcaskie. All Commissioners present voted to adjourn at 9:08 a.m.**

A handwritten signature in cursive script, reading "Madeline Thumudo", written over a horizontal line.

Madeline Thumudo, Secretary

COUNTY OF BERGEN - DIVISION OF DATA PROCESSING CONFERENCE CALL FORM

FAX TO: 201-336-6650 / HELP DESK NO. 201-336-6666 Option #5

SCHEDULE CONFERENCE CALL

CONTACT INFORMATION: (Required fields)

CONTACT NAME:	Madelline Thumundo	CONTACT PHONE NO.:	201-447-2660
CONTACT E-MAIL ADDRESS:	mthumundo@nbcua.com	CONTACT FAX NO.:	201-447-0247
RETURN CONFIRMATION VIA:	<input type="checkbox"/> E-MAIL ADDRESS (LISTED ABOVE)		<input type="checkbox"/> FAX (Listed Above)
DEPT. DIRECTOR APPROVAL SIGNATURE:		DATE:	4/23/2009

CONFERENCE INFORMATION: (Required fields)

CONFERENCE DATE:	4/29/09	NO. OF LINES REQ'D.:	6 (Max. 10)
START TIME:	9	<input checked="" type="checkbox"/> AM / <input type="checkbox"/> PM	END TIME: 10 <input type="checkbox"/> PM / <input checked="" type="checkbox"/> AM
CONFERENCE TYPE:	<input checked="" type="checkbox"/> ONE-TIME* <input type="checkbox"/> DAILY* <input type="checkbox"/> WEEKLY* <input type="checkbox"/> MONTHLY** Day of Week* Week of Month**		
CONF. TYPE DATE INFORMATION:	*START DATE:	*END DATE:	
CONFERENCE SCHEDULED FOR:	BCUA		
DEPT./DIV. NAME:	Northwest Bergen County Utility Authority		
CONFERENCE NAME:	Special Meeting		
MODERATOR NAME:* (Optional Field)			

CONFERENCE FEATURES:

ENTRY TONE:	ON	EXIT TONE:	ON	HANG UP:	OFF	NAME RECORD PLAY:	ON
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CONFERENCE CONFIRMATION INFORMATION: (Supplied by Data Processing)

CONFIRMATION NO.:	39	CONFERENCE ID:	(Same as Confirmation No.)
CONFERENCE SECURITY CODE:	9001 (Access Code)	MODERATOR CODE:(OPTIONAL)*	(Access Code)
CONFERENCE STATUS:	SCHEDULED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO CONFLICT WITH: <input type="checkbox"/> LINES <input type="checkbox"/> TIME		

DATA PROCESSING INFORMATION: (For Data Processing Use Only)

SCHEDULER NAME:	KATHY S.	DATE REQUEST:	RCV'D:	CONFIRMED:
CONFIRMATION DATA SENT VIA:	<input type="checkbox"/> FAX <input type="checkbox"/> E-MAIL <input checked="" type="checkbox"/> BOTH <input type="checkbox"/> OTHER	4/22/2009	4/23/09	
REMARKS:				

HOW TO ACCESS THE AUDIO BRIDGE FOR CONFERENCE CALL:

Within One Bergen County Plaza	Dial Extension 6626
From Remote Location (outside of One Bergen County Plaza)	Call 201-336-6626
For assistance call the DATA PROCESSING HELP DESK	Call 201-336-6666 #5



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**MINUTES
REGULAR MEETING
MAY 5, 2009**

1. **The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:04 p.m. to discuss items in detail. The Work Session ended at 7:35 p.m., at which time the Commissioners proceeded into the Regular Meeting.**
2. **The Chairman read the statement in compliance with C.231, PL 1975.**
3. **Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, O'Malley, Plumley, Shafron and Ariyan. The following Commissioner was absent: Kelaher.**
4. **Salute to the Flag was led by Chairman Ariyan.**
5. **Chairman's remarks. The Chairman had no remarks.**
6. **Approval of Minutes. Regular Meeting of Apr. 7, 2009. Commissioner Kasparian moved the minutes be accepted as presented seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the minutes except Commissioners Shafron, O'Malley, Plumley and Kasparian who abstained.**
7. **Public Comments. (Any subject).**

Chris Hagens, 2 Whites Lane, Waldwick. When we met with Mr. Hurwitz he had mentioned that he had sent out an inquiry to a couple of firms on covers and was wondering if there were any responses.

Rob Genetelli reported that we have received one formal quote and are waiting for two more. This is a pool type cover and we are in the process.

No further comments from the public.

8. **Consideration for approval list of Resolutions attached dated May 5, 2009.**

**Consent Resolution for Resolutions No.37-2009 to 42-2009.
All Resolutions were discussed during the work session.**

The Vice-Chairman had requested that Resolutions #38-2009 and 39-2009 be held over to the June meeting because it was only received recently. It

was pointed out that we are already out of compliance with the completion of the Audit. According to our trust indenture the audit was to be completed and approved no later than 100 days after the beginning of the fiscal year. It was reported that we did go over our budget and money was taken from reserves. The Commissioners who did not have the opportunity to review it in its entirety will be abstaining from the vote. It was decided to approve these two resolutions separately.

Resolutions #37-2009, 40-2009 thru 42-2009 was offered by Commissioner Chewcaskie, seconded by Commissioner Kasparian. All Commissioners present voted in favor of the Resolutions.

Resolutions #38-2009 & 39-2009 were offered by Commissioner Dator and seconded by commissioner Kasparian. All Commissioners present voted in favor of these Resolutions except Commissioners Kasparian and Shafron who abstained.

The Executive Director will inform the Auditor's that it is not acceptable for the Commissioners to receive the audit reports so late. This was not held up by our office and will let him know of the Commissioner's dissatisfaction.

Resolution #37-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Apr. 2009 and Health and Dental Benefits for May 2009 as follows: Payroll Account \$270,069.85; Tax Deposit Account \$108,590.02; PERS and Contributory Insurance \$22,665.25; Health Benefits \$62,915.79; Dental Benefits \$5,073.27; DCRP Employee Contribution \$22.92; DCRP Employer contribution \$12.50; Operating Account \$400,874.53; Improvement Account \$50,585.48; 2009A Project Account \$227,310.04.

Resolution #38-2009. Certification of Audit. Resolution certifying to the Local Finance Board of the State of New Jersey that each Commissioner personally reviewed the annual audit report for the fiscal year ended December 2008 and specifically has reviewed the section of the Audit report entitled "general comments" and "recommendations" and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

Resolution #39-2009. Accept Audit. This resolution is to accept 2008 Audit.

Resolution #40-2009. Proposal to perform arbitrage rebate calculation. This resolution is for the auditors, Lerch, Vinci & Higgins, to perform the calculation of arbitrage rebate for the Authority's Utility System Revenue Refunding Bonds 2004 Series dated January 1, 2004 at a not to exceed price of \$16,500.00.

Resolution #41-2009. Proposed Sewer Extension, Lyons Street Sewer Project, LLC, Wyckoff. This connection is to construct grinder pump stations, which will connect four existing single family homes to the sewer system and will add 4 residential EDU's to the Authority's system.

Resolution #42-2009. Proposed Sewer extension, 454 Weisch Lane, Wyckoff. This connection will connect to an existing manhole located in Fox Hollow Road and will add one residential EDU's to the Authority's system.

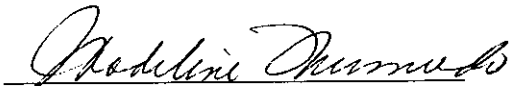
Motion #1 – Motion to grant a 90-day Unpaid Leave of Absence for Marc Montroy, Plant Operator, effective April 30, 2009 for medical reasons. Motion was moved by Commissioner Kasparian, seconded by commissioner Chewcaskie. All Commissioners present voted in favor of the Motion.

9. Reports of Committees

- A. Finance Committee – Nothing further than what was reported at the Work Session.**
- B. Personnel Committee – Nothing further than what was reported at the Work Session.**
- C. Insurance Committee – Nothing to report. Will have a report for the next meeting.**
- D. Operating Committee – Nothing further than what was reported at the Work Session.**
- E. Buildings & Grounds – Nothing further than what was reported at the Work Session.**

- 10. Report of Treasurer – Short-term investments of approximately \$16million ranging in term from 30 to 147 days at rates of .99% to 2.75%. Again the investments are diversified among three different banking institutions; The Bank of New Jersey, Mariners and TD Bank.**
- 11. Report of Counsel – Nothing further than what was reported at the Work Session.**
- 12. Report of Engineer – The Commissioners have T&M's written report for the month and there is nothing further to report.**
- 13. Report of Executive Director – Nothing further than what was discussed at the Work Session.**
- 14. Report of Superintendent - Nothing further than what was reported at the Work Session.**
- 15. Old Business. No old business to report.**
- 16. New Business. No new business to report.**
- 17. Public comments (on subjects 8 through 17). No public comments.**

18. **Adjournment.** Motion to adjourn was made by Commissioner O'Malley, Seconded by Commissioner Dator. All Commissioners present voted to adjourn at 7:45 p.m.


Madeline Thumudo, Secretary



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**MINUTES
REGULAR MEETING
June 2, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:02 PM to discuss items in detail. The Work Session ended at 7:42 PM., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dator, Kelaher, O'Malley, Plumley, Shafron and Ariyan. The following Commissioners Dachnowicz and Kasparian were absent:
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Chairman had no remarks.
6. Approval of Minutes.
 - Public Hearing – Franklin Lakes – April 28, 2009
 - Special Meeting – Award of Solar Bid – April 29, 2009
 - Regular Meeting – May 5, 2009

Public Hearing of April 28, 2009. Commissioner Dator moved the minutes be accepted as presented seconded by Commissioner Ariyan. All Commissioners present voted in favor of the minutes except Commissioners Chewcaskie, Shafron, Kelaher and Plumley, who abstained.

Special Meeting of April 29, 2009. Commissioner Dator moved the minutes be accepted as presented seconded by Commissioner O'Malley. All Commissioners present voted in favor of the minutes except Commissioner Plumley, who abstained.

Regular Meeting of May 5, 2009. Commissioner Dator moved the minutes be accepted as presented seconded by Commissioner O'Malley. All Commissioners present voted in favor of the minutes except Commissioner Chewcaskie, who abstained.

7. Public Comments. (No members of the public were present).
8. Consideration for approval list of Resolutions attached dated June 2, 2009.
Consent Resolution for Resolutions No. 43-2009 to 47-2009.

All Resolutions were discussed during the work session.

Resolutions #43-2009 thru 47-2009 were offered by Commissioner O'Malley, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the Resolutions.

Resolution #43-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for May 2009 and Health and Dental Benefits for June 2009 as follows: Payroll Account \$188,753.36; Tax Deposit Account \$78,950.26; PERS and Contributory Insurance \$22,331.95; Health Benefits \$63,369.53; Dental Benefits \$5,148.51; DCRP Employee Contribution \$22.91; DCRP Employer Contribution \$12.50; Operating Account \$212,365.69; Improvement Account \$15,337.15; 2009A Project Account \$180,619.15; 2008 Solar Project Account \$7,000.00.

Resolution #44-2009. Authorization of temporary employment of Richard Coveney as O&M Helper effective May 14, 2009, subject to a ninety day probationary period and satisfactory background check.

Resolution #45-2009. Authorization of temporary employment of Brian Frank as Electrician effective May 14, 2009, subject to a ninety day probationary period and satisfactory background check.

Resolution #46-2009. Authorization to extend the scope of services of Chavond-Barry Engineering Corporation to include Stack Emission Testing Services. The stack emission testing is a permit requirement of the NJDEP and we have selected Chavond-Barry to provide technical advisory services for this activity.

Resolution #47-2009. Authorization to apply to the Local Finance Board for its review of proposed project funding in connection with the Franklin Lakes Sanitary Sewer Project. The Authority expects to appear on the LFB Agenda at its September 2009 meeting. Funding for the Project will be by the NJEIT with 75% interest free and 25% financing at market rate.

Motion #1 – Motion to accept the 39th Annual Report as prepared by T&M Associates. Motion was moved by Commissioner O'Malley, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the Motion.

Motion #2 – Motion to approve Change Order #1 Contract 251 Photovoltaic (Solar) Project, increasing the system capacity and cost. The Change Order reflects the fact that the contract price for the proposed 250 kW system was less than the Engineer's Estimate resulting in a surplus of funds (bonding) for the project. The increase in system capacity to 334 kW will increase the project cost in line with the available funding. Motion was moved by Commissioner O'Malley, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the Motion.

9. Reports of Committees

A. Finance Committee – Nothing further than what was reported at the Work Session. Resolution 47-2009 authorizes application to the LFB for funding of the Franklin Lakes Sanitary Sewer Project.

B. Personnel Committee – Nothing further than described in Resolutions 44-2009 and 45-2009 authorizing the probationary employment of two new employees.

C. Insurance Committee – Nothing to report.

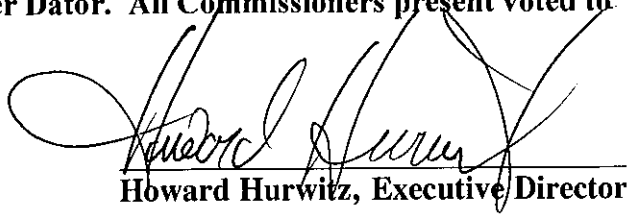
D. Operating Committee – Nothing further than what was reported at the Work Session. Highlights are:

- The solar energy project capacity will be increased from 250 kW to 334 kW per Change Order (Motion #2). Work will begin in early July with completion in October.**
- Odor complaints were minimal this month.**
- Planning has been initiated for our incinerator stack emission test program. Resolution 46-2009**
- The Franklin Lakes Sanitary Sewer System has been identified for funding by the NJEIT. Funding will be 75% zero interest /25% market rate loan.**

E. Buildings & Grounds – Nothing further than what was reported at the Work Session.

- 10. Report of Treasurer – Short-term investments of approximately \$24.4 million at rates of 1.24% to 2.75%. Again the investments are diversified among several local banking institutions.**
- 11. Report of Counsel – Nothing further than what was reported at the Work Session.**
- 12. Reports of Engineer – The Commissioners have T&M's written report for the month and there is nothing further to report.**
- 13. Report of Executive Director – Nothing further than what was discussed at the Work Session.**
- 14. Report of Superintendent - Nothing further than what was reported at the Work Session.**
- 15. Old Business. No old business to report.**

16. **New Business. No new business to report.**
17. **Public comments (on subjects 8 through 16). No public comments.**
18. **Adjournment. Motion to adjourn was made by Commissioner O'Malley, Seconded by Commissioner Dator. All Commissioners present voted to adjourn at 7:49 PM.**



Howard Hurwitz, Executive Director



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**MINUTES
REGULAR MEETING
July 7, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:02 PM to discuss items in detail. The Work Session ended at 7:48 PM., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kelaher, O'Malley, Plumley, Shafron and Ariyan. Commissioner Kasparian was absent:
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Chairman had no remarks.
6. Approval of Minutes.
Regular Meeting – June 2, 2009

Regular Meeting of June 2, 2009. Commissioner O'Malley moved the minutes be accepted as presented seconded by Commissioner Kelaher. All Commissioners present voted in favor of the minutes.

7. Public Comments. (No members of the public were present).
8. Consideration for approval list of Resolutions attached dated July 7, 2009.

Consent Resolution for Resolutions No. 48-2009 to 53-2009.
All Resolutions were discussed during the work session.

Resolutions #48-2009 thru #51-2009 and #53-2009 were offered by Commissioner Chewcaskie, seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolutions. Resolution #52-2009 was offered by Commissioner O'Malley, seconded by Commissioner Ariyan. All Commissioners present voted in favor of the Resolution with the exception of Commissioner Dator who abstained.

Resolution #48-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for June 2009 and Health and Dental Benefits for July 2009 as follows: Payroll Account \$205,222.68; Tax Deposit Account \$77,862.42; PERS and Contributory Insurance \$22,130.18; Health Benefits

\$68,680.26; Dental Benefits \$5,114.16; DCRP Employee Contribution \$22.92; DCRP Employer Contribution \$12.50; Operating Account \$341,807.25; Improvement Account \$2,629.53; 2009A Project Account \$73,649.14; 2008 Solar Project Account \$17,150.00.

Resolution #49-2009. Cancellation of August 2009 Regular Meeting and authorization for the Executive Director and the Administrative Assistant to make payments on contractual obligations during the month of August 2009, provided that all vouchers submitted have been approved by the Authority Chairman.

Resolution #50-2009. Approval of David Capsouras as a regular employee effective June 14, 2009, in the position of Incinerator Operator, having completed his 90 day probationary period

Resolution #51-2009. Reappointment of Howard Hurwitz has Executive Director of the Northwest Bergen County Utilities Authority.

Resolution #52-2009. Approval of a sanitary sewer extension proposed by TD Bank to be located at Godwin Avenue and Franklin Avenue in the Township of Wyckoff.

Resolution #53-2009. Approval of a proposed modification to a discharge permit to be submitted to NJDEP by Franklin Square Shopping Center in the Borough of Franklin Lakes.

Motion #1 – Motion to approve Change Order #2 Contract 246 Sludge Thickening Process Improvements increasing the scope of work and cost in the amount of \$22,868.24 Motion was moved by Commissioner Chewcaskie, seconded by Commissioner Dator. All Commissioners present voted in favor of the Motion.

9. Reports of Committees

A. Finance Committee – Nothing further than what was reported at the Work Session. Resolution #48-2009 authorizes payment of claims during the month of August.

B. Personnel Committee –Nothing further than described in Resolutions #50-2009 and #51-2009 authorizing the regular employment of an Incinerator Operator and the reappointment of Executive Director Howard Hurwitz.

C. Insurance Committee – Committee will begin to investigate alternative health insurance programs based on indication that the cost of the State program will increase significantly next year.

D. Operating Committee – Nothing further than what was reported at the Work Session. Highlights are:

- The solar energy project is underway. Equipment delivery has begun and construction should begin this month.
- No odor complaints this month. Staff was commended for improved operation. Bids will be accepted for replacement odor control chemical.
- A meeting has been scheduled with Franklin Lakes administration to discuss the sewer project and the legal requirements.
- The Borough of Oakland is exploring options to install sewers in and around the CBD and to send the flow to the NBCUA via the proposed Franklin Lakes pump station.
- The mayor of Upper Saddle River has requested a meeting to discuss options for sewers for the area of USR surrounding Route 17.

E. Buildings & Grounds – Nothing further than what was reported at the Work Session.

10. **Report of Treasurer – Short-term investments of approximately \$21.5 million with approximately \$17 million at rates of 1.24 to 1.98%. Again the investments are diversified among several local banking institutions.**

11. **Report of Counsel – A resolution excluding the public from discussion of anticipated litigation was passed during the Work Session. The Work Session was reconvened following the discussion.**

In addition, property appraisals have been obtained in connection with the Franklin Lakes sewer project. These will be made available to the Commissioners in the near future.

12. **Reports of Engineer – The Commissioners have T&M's written report for the month and there is nothing further to report.**

13. **Report of Executive Director – Nothing further than what was discussed at the Work Session.**

14. **Report of Superintendent - Nothing further than what was reported at the Work Session.**

15. **Old Business. No old business to report.**

16. **New Business. No new business to report.**

17. Public comments (on subjects 8 through 16). No public comments.
18. Adjournment. Motion to adjourn was made by Commissioner O'Malley, Seconded by Commissioner Dator. All Commissioners present voted to adjourn at 7:55 PM.



Howard Hurwitz, Executive Director



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**MINUTES
REGULAR MEETING
SEPT. 1, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:07 p.m. to discuss items in detail. The Work Session ended at 8:50 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaher, O'Malley, Plumley, Shafron and Ariyan.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. No remarks at this time.
6. Approval of Minutes.

Regular Meeting, July 7, 2009. Commissioner Chewcaskie moved the minutes be accepted as presented seconded by Commissioner O'Malley. All Commissioners present voted to accept the minutes as presented except Commissioner Kasparian who abstained.

7. Public Comments. It was noted that there were no public present except for Freeholder O'Brien, who had no comments at this time.
8. Consideration for approval list of Resolutions attached dated Sept. 1, 2009.

Consent Resolution for Resolutions No.54-2009 to 58-2009. All Resolutions were discussed during the work session. The Resolutions were moved by Commissioner Kasparian, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the resolutions.

Resolution #54-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for July and August 2009 and Health and Dental Benefits for August and Sept. 2009 as follows: Payroll Account July \$196,732.24; Tax Deposit Account July \$74,454.18; PERS and Contributory Insurance July \$21,577.57; Health Benefits August \$65,889.14; Dental Benefits August \$5,141.43; DCRP Employee Contribution July \$22.92; DCRP Employer contribution July \$12.50; Operating Account August

\$270,072.21; Improvement Account August \$24,920.36; 2009A Project Account August \$86,061.82; 2008 Solar Project Account August \$802,809.48; Payroll Account August \$187,143.00; Tax Deposit Account August \$74,137.19; PERS and Contributory Insurance August \$20,967.00; Health Benefits Sept. \$64,603.25; Dental Benefits Sept. \$5,105.03; DCRP Employee Contribution August \$22.91; DCRP Employer Contribution August \$12.50; Operating Account Sept. \$371,131.39; Improvement Account Sept. \$462,529.62; 2008 Solar Project Account Sept. \$7,000.00; 2009A Project Account Sept. \$113,510.00.

Resolution #55-2009. Regular Employment, O&M Helper. This resolution is to retain Richard Coveney as an O&M Helper effective August 12, 2009.

Resolution #56-2009. Regular Employment, Electrician. This resolution is to retain Brian Frank as Electrician effective August 12, 2009.

Resolution #57-2009. Award of Contract – VX-456®. This resolution is to award the bid to Siemens Water Technologies Corp. at a price of \$0.95 per pound for the delivery of approximately 2,500 gallons per shipment of VX-456® for a two year period.

Resolution #58-2009. Authorization for increased fee for T&M Associates to complete the NBCUA Wastewater Management Plan. This resolution was to approve the increase of fee by \$60,000.00 to complete additional tasks as required by the NJDEP review of the WMP.

Motion No.1 – Motion to approve Change Order #2 for Contract #251 Photovoltaic Project, as prepared by Metro Energy, in the amount of \$9,720.00. Motion was made by Commissioner Dator, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the Motion.

Motion No.2 – Motion to approve Change Order #1 for Contract #247 Belt Filter Press Enclosure and Ventilation/Incinerator Blower piping modifications, as prepared by T&M Associates in the credit amount of \$7,220.00. Motion was made by Commissioner Dator, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the Motion.

Motion No.3 – Motion to void Change Order #2 dated July 7, 2009 for Contract #246 Sludge Thickening Improvements in the amount of \$22,8868.24 and approve revised Change Order #2 in the total amount of \$53,914.67 as prepared by CH2M Hill. Motion was made by Commissioner Dator, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the Motion.

7. Reports of Committees

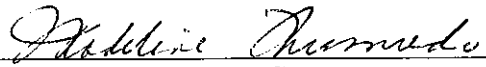
- A. Finance Committee – Nothing further than what was discussed at the Work Session to report.**
- B. Personnel Committee – Resolutions were passed to retain Brian Frank as Electrician and Richard Coveney as O&M Helper effective August 12, 2009.**

There was an in-depth discussion of Authority office staffing. Based on current situations there is a need to consider creating a new position in the office. The Executive Director is working on the job description and will forward it to the Commissioners for their review.

- C. Insurance Committee – There are no pending insurance claim issues with starting our new fiscal year and coming up on our new calendar year the committee is going to review all of our current policies and report back to the Commissioners.**
- D. Operating Committee – Nothing further than what was discussed at the Work Session to report.**
- E. Buildings & Grounds – Nothing to report.**
- F. Report of Treasurer – Executive Director reported that we have \$16 million invested. \$11.5 million in short-term, nothing going past Oct.15, 2009. Interest rates are from 1.75% to 2.5%. \$4.5 million in long-term investments from 4.76% to 6.17%. A good portion of the money is from the bonding for the Solar project and 2009 Projects. The Solar will be completed in October and that money will be exhausted. Most of the money in the 2009 Project Account will be utilized this year also. This will be reflected in the Capital Budget as we develop it.**

- 11. Report of Counsel – Nothing further than what was discussed at the Work Session.**
- 12. Report of Engineer – Nothing further than what was discussed at the Work Session to report.**
- 13. Report of Executive Director – Nothing further than what was discussed at the Work Session to report.**
- 14. Report of Superintendent - Nothing further than what was discussed at the Work Session to report.**
- 15. Old Business. The Chairman requested that the engineer have some communication with Mr. Cothery within the next week.**
- 16. New Business. No new business.**

17. Public comments (on subjects 8 through 17). No public present.
18. Adjournment. Motion to adjourn was made by Commissioner Kasparian, seconded by Commissioner Ariyan. All Commissioners present voted to adjourn at 8:55 p.m.



Madeline Thumudo, Secretary



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**MINUTES
REGULAR MEETING
OCT. 6, 2009**

1. The Chairman called the Work Session Meeting, which precedes the special Meeting and Regular Meeting, to order at 7:00 p.m. to discuss items in detail. The Work Session and Special Meeting ended at 7:45 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kelaher, O'Malley, Plumley, Shafron and Ariyan. The following Commissioner was absent: Kasparian.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Chairman had no remarks.
6. Approval of Minutes. Regular Meeting of Sept. 1, 2009. Commissioner Kelaher moved the minutes be accepted as presented seconded by Commissioner O'Malley. All Commissioners present voted in favor of the minutes except Commissioners Shafron who abstained.
7. Public Comments. (Any subject).

Mike Casey - Whites Lane, Waldwick. After a pretty good summer and normal living the odor came back the beginning of September. On Sept. 2nd he called the Executive Director because the odors were continuous and was informed that they are working on the last of the four primary tanks. A few days later on Labor Day weekend the odor was back. He feels the odors are coming from the tanks. When there were heavy rains in July and August he did not experience any odors but now that it has been dry he is getting odors again. He feels if we had covers on the tanks there would be no odors. Does not feel the projects we are doing at the Authority are for the benefit of the homeowners but for the people of the plant. The Chairman pointed out that what we do is for the people of the user community, not the people of the plant. The people of the plant serve the user community. Mr. Casey stated that for four years he has been requesting the tanks be covered and would like to know if there has even been an estimate for covers.

Chris Hagens - 2 Whites Lane. He feels he shouldn't have to defend the town from comments made by other people about the odors. He has stopped

calling because he feels it is an effort in futility. Tonight the odor was back, not a terrible odor but an odor. Awhile later there was a strong perfume odor coming from the plant. People are starting to get some pride in town and he is hearing people say that it smells. He feels the Authority needs to do more. He does not feel we can handle taking in more towns. Asked the Commissioners to give some thought to covering the tanks.

Mr. Hagens noted that we are adding commercial properties and wanted to know who is responsible to ensure the grease traps are maintained, local municipality or the Authority. He was informed it is the local municipalities responsibility.

The problem of odors will be reviewed at the next Operating Committee meeting.

No further comments from the public.

8. Consideration for approval list of Resolutions attached dated Oct. 6, 2009.

Consent Resolution for Resolutions No.60-2009 to 62-2009.

All Resolutions were discussed during the work session. The resolutions were offered by Commissioner Shafron, seconded by Commissioner Dator. All Commissioners present voted in favor of the Resolutions.

Resolution #60-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Oct. 2009 and Health and Dental Benefits for Nov.2009 as follows: Payroll Account \$279,035.04; Tax Deposit Account \$106,732.99; PERS and Contributory Insurance \$20,675.60; Health Benefits \$64,603.25; Dental Benefits \$5,105.03; DCRP Employee Contribution \$22.92; DCRP Employer contribution \$12.50; Operating Account \$393,308.98; Improvement Account \$104,840.89; 2009A Project Account \$66,354.68; 2008 Solar Project Account \$1,221,728.38.

Resolution #61-2009. Appointment of Joseph Giovannoli to position of Electronics Supervisor. This resolution is to promote Mr. Giovannoli to Electronics Supervisor with an annual salary of \$69,600 effective Oct. 29, 2009.

Resolution #62-2009. Proposed sanitary sewer extension, Twsp.of Wyckoff, 434, 435, 439 and 444 Russell Ave; 502 Helena Ave. This project will provide sanitary sewer service to five single-family residential dwellings and will contribute an average daily flow of 1,500 gpd or five additional EDU's from Wyckoff.

9. Reports of Committees

A. Finance Committee – Nothing further than what was reported at the Work Session.

B. Personnel Committee – Nothing further than what was reported at the Work Session.

C. Insurance Committee – Nothing further to report.

D. Operating Committee – On Nov.17 & 18th is the AEA Conference in Atlantic City. Some of the topics that were discussed here tonight will be covered at the conference. The seminars on those two days are very worthwhile. It is the day before the League of Municipalities Convention. Commissioner Shafron questioned if we had a policy in place to determine whether attendance is authorized and required for both employees and Commissioners. The Superintendent noted that the employees who attend the conferences or seminars are usually licensed operators and only attend for TCH purposes. They are only day trips and never overnight trips. On occasion the Superintendent will attend overnight or a Supervisor. Management approves it in advance. The conference line item is very low, approximately \$5,000. It is mostly for mileage allowance. There is no formal procedure on the Commissioners attending conferences. It has been a long time since a Commissioner has gone to anything out of state. It was suggested by Commissioner Shafron that we have a threshold of a set dollar amount, that if the anticipated budget for the year is going to be over that amount than the Commissioners would vote on it. Commissioner Shafron suggested having a resolution setting the guidelines for attendance and travel for conferences.

The Chairman felt the Commissioners should try and make the November AEA Conference.

E. Buildings & Grounds – Nothing further than what was reported at the Work Session.

10. Report of Treasurer – Short-term investments of approximately \$12 million at rates of 1.74% & 2.62%. Long term is 4.76% to 6.17%.

The Executive Director pointed out that two years ago we had \$800,000 in interest and we projected \$900,000 for 2009. When we set up the budget this year we have now projected \$320,000 for 2010 interest income. All outside income has been extremely stifled.

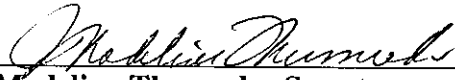
11. Report of Counsel – Nothing further than what was reported at the Work Session.

12. Report of Engineer – Nothing further than what was reported at the Work Session.

13. **Report of Executive Director – Nothing further than what was discussed at the Work Session.**
14. **Report of Superintendent - Mr. Casey had mentioned covering the tanks with a tarp. Wants the Commissioners to know that the Authority did not cover any tanks at any time. The contractor to keep the sun off his workers while they were working on the empty tanks put up the tarp that was present. That is basically all that tarp was used for. It only covered about 10% of the tank so the workers could work.**

The Chairman stated that he knows we have done everything and have discussed it at length. The Commissioners answer to the public and we need an answer. Figure out the problem and what the expense is and take care of it.

15. **Old Business. No old business to report.**
16. **New Business. No new business to report.**
17. **Public comments (on subjects 8 through 17). No public comments.**
18. **Adjournment. Motion to adjourn was made by Commissioner O'Malley, Seconded by Commissioner Dator. All Commissioners present voted to adjourn at 7:45 p.m.**


Madeline Thumudo, Secretary



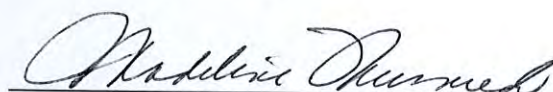
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**MINUTES
SPECIAL MEETING – PRELIMINARY BUDGET
OCT. 6, 2009**

1. Meeting called to Order by the Chairman at 7:42 p.m.
2. The Chairman read the statement in compliance with C.231, PL.1975.
3. Roll Call: The following Commissioners were present: Dachnowicz, Dator, Kelaher, O'Malley, Plumley, Shafron and Ariyan. The following commissioners were absent: Chewcaskie and Kasparian.
4. The salute to the flag was led by Chairman Ariyan.
5. Chairman's remarks. None at this time.
6. 2010 Preliminary Budget. Everyone received the budget for their review.
7. Discussion on the Resolution by the Commissioners to accept the 2010 Preliminary Budget and Capital Budget. There was no further discussion on the resolution.
8. Public Comments. No comments from the public.
9. Vote on the Resolution No.59-2009 Preliminary Budget for fiscal year Jan. 1, 2010 to Dec. 31, 2010. The annual budget as introduced reflects total revenues of \$14,796,703, total appropriations of \$15,316,703 and total unrestricted net assets utilized of \$520,000. The date and time to accept the budget was set for Dec. 1, 2009 at 7:00 p.m. The resolution was offered by Commissioner O'Malley, seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolution.
10. Commissioner Dator made a motion to adjourn the meeting at 7:45 and proceed into the Regular Meeting, seconded by Commissioner O'Malley. All Commissioners present voted to adjourn the meeting at 7:45 p.m.


Madeline Thumudo, Secretary



**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY**

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**MINUTES
REGULAR MEETING
NOV. 10, 2009**

1. The Chairman called the Work Session Meeting, which precedes the Regular Meeting, to order at 7:00 p.m. to discuss items in detail. The Work Session ended at 7:55 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Dachnowicz, Dator, O'Malley, Plumley, Shafron and Ariyan. The following Commissioners were absent: Chewcaskie, Kasparian and Kelaher.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. No remarks at this time.
6. Approval of Minutes. Special Meeting and Regular Meeting of Oct. 6, 2009.

Commissioner Shafron moved the minutes be accepted as presented seconded by Commissioner O'Malley. All Commissioners present voted to accept the minutes as presented.

7. Public Comments.

Chris Hagens, 2 Whites Lane. Just wanted to thank the Chairman and Keith Henderson of T&M for their presentation on odors.

Marilyn Parelli, 2 Whites Lane. Also wanted to thank everyone for the presentation and was happy to see some progress and getting some answers.

8. Consideration for approval list of Resolutions attached dated Nov.10, 2009

Consent Resolution for Resolutions No.63-2009 to 67-2009. All Resolutions were discussed during the work session. The Resolutions were moved by Commissioner O'Malley, seconded by Commissioner Dator. All Commissioners present voted in favor of the resolutions.

Resolution #63-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Oct. 2009 and Health and Dental Benefits for Nov. 2009 as follows: Payroll Account \$187,810.94; Tax Deposit Account

\$71,442.81; PERS and Contributory Insurance \$21,573.31; Health Benefits \$64,603.25; Dental Benefits \$5,105.03; DCRP Employee Contribution \$22.92; DCRP Employer contribution \$12.50; Operating Account \$262,672.23; Improvement Account \$142,162.23; 2009A Project Account \$9,312.53; 2008 Solar Project Account \$7,693.50.

Resolution #64-2009. Authorization to award Contract No.252 in connection with Ho-Ho-Kus Pump Station Upgrades. This resolution is to award the contract to Rapid Pump & Meter Service Co., the second low bidder, in the amount of \$94,590.00 due to the low bidder, Let It Grow, Inc.'s lack of experience in force main and sewage pump station work.

Resolution #65-2009. Acceptance of Proposal of Tighe and Bond to prepare user charges for the year 2010. This resolution is to retain the services of Tighe and Bond to assist with the calculation of the 2010 Service Charges at a not to exceed price of \$12,500.

Resolution #66-2009. North Jersey Wastewater Cooperative Pricing system. This resolution is to continue membership in the North Jersey Wastewater Cooperative Pricing System for another five years.

Resolution #67-2009. Authorization to bid for a contract for a trap grease receiving demonstration unit by competitive bidding. The Authority desires to install equipment to demonstrate the feasibility of unloading and processing grease pumped from commercial grease traps and delivered by trucks to the Authority's facility. This resolution is to receive proposals from qualified suppliers for a truck or trailer mounted system which will be owned by the supplier and leased by the Authority and will be operated for a period of six months.

Motion No.1 – Motion to approve Commissioners Shafron and Dator and Executive Director Hurwitz's attendance at the AEA Annual Meeting in Atlantic City on Nov. 17 – 18, 2009. Motion was offered by Commissioner Dator, seconded by commissioner O'Malley. All Commissioners present voted in favor of the Motion.

Motion No.2 – Motion to approve Change Order #1 for Contract #250A Bar Screen Replacement Installation, as prepared by T&M Associates in the credit amount of \$18,100. Motion was offered by Commissioner Dator, seconded by Commissioner O'Malley. All Commissioners present voted in favor of the Motion.

7. Reports of Committees

- A. Finance Committee – Nothing further than what was discussed at the Work Session to report.**
- B. Personnel Committee – Comm.Shafron wanted to know if Let It Grow had any issues when we rejected their bid. He was**

advised by the Executive Director that they had no problem with it and would not contest the decision.

A Motion was passed to approve attendance at the AEA annual meeting in Atlantic City for Commissioners Shafron, Dator and Exec.Dir. Hurwitz.

A job description was created and distributed for a part-time office assistant.

- C. Insurance Committee – Elected Officials’ Training Seminars will be given by the MELJIF and everyone was sent a letter with the dates of those seminars. The Authority will receive a credit of \$250 for each Commissioner that completes the course by May 1, 2010. The maximum credit is 25 % of the member’s liability claims fund.**

We are required to have an updated Employee Practices Liability Program, which has to be certified by our attorney in order for us to be fully covered for harassment type issues. This is being worked on by the Exec. Dir.

The Authority will be receiving a \$31, 103.29 credit against our 2010 Insurance Assessment from the JIF.

- D. Operating Committee – Nothing further than what was discussed at the Work Session to report.**
- E. Buildings & Grounds – Nothing to report.**
- F. Report of Treasurer – Executive Director reported that we have \$4.6 million in long term investments at rates of 4.76 to 6.17 % and \$11 million in short term investments with rates of 2.2 to 2.4 %.**

- 11. Report of Counsel – Nothing further than what was discussed at the Work Session.**
- 12. Report of Engineer – Nothing further than what was discussed at the Work Session to report.**
- 13. Report of Executive Director – Paul McEntyre the Authority’s Public Relations consultant brought Scott Baland from the Record here today as a follow up to our dedication for the Solar Panels. He was given a tour and information.**
- 14. Report of Superintendent - Nothing further than what was discussed at the Work Session to report.**

15. Old Business. No old business.
16. New Business. No new business.
17. Public comments (on subjects 8 through 17).

Chris Hagens of 2 Whites Lane questioned if Resolution #67 – Grease Receiving Demonstration will have some kind of mechanism in the RFP to check the owner of this process. He was assured by T&M that it is designed with state of the art odor technology and will be under negative pressure going through a scrubber.

It will be a trial period and there will be no permanent installation.

18. Adjournment. Motion to adjourn was made by Commissioner Shafron, seconded by Commissioner O'Malley. All Commissioners present voted to adjourn at 8:05 p.m.


Madeline Thumudo, Secretary



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**MINUTES
SPECIAL MEETING – 2010 PRELIMINARY BUDGET
DEC. 1, 2009**

1. Meeting called to Order by the Chairman at 7:40 p.m.
2. The Chairman read the statement in compliance with C.231, PL.1975.
3. Roll Call: The following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaheer, O'Malley, Plumley, Shafron and Ariyan.
4. The salute to the flag was led by Chairman Ariyan.
5. Chairman's remarks. This is the Public Hearing for 2010 Preliminary Budget.
6. PUBLIC HEARING – 2010 PRELIMINARY BUDGET.

Discussion on the Resolution by the Commissioners to amend the 2010 Preliminary Budget.

Discussion on the Resolution by the Commissioners to adopt the 2010 Preliminary Budget.

Everyone has had the opportunity to review the budget and the resolutions that are attached.

Commissioner O'Malley thanked everyone at the Authority in helping the Finance Committee to get the budget together. The Chairman noted that great effort went into cost cutting and keeping the increase of the budget at a minimum.

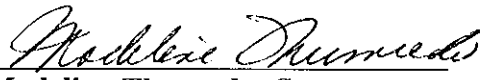
7. Vote on the Resolutions:

Reso.#68-2009. Amendment to the 2010 Preliminary Budget. Resolution was offered by Commissioner O'Malley, seconded by Commissioner Shafron. All Commissioners present voted in favor of the resolution.

Reso.#69-2009. Adoption of the 2010 Preliminary Budget. Resolution was offered

by Commissioner O'Malley, seconded by Commissioner Shafron. All Commissioners present voted in favor of the resolution.

8. Public Comments. No public present at this time.
9. Commissioner Dator made a motion to adjourn the meeting at 7:49 p.m. and proceed into the Regular Meeting, seconded by Commissioner O'Malley. All Commissioners present voted to adjourn the meeting at 7:49 p.m.



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**MINUTES
REGULAR MEETING
DEC. 1, 2009**

1. The Chairman called the Work Session Meeting, which precedes the special Meeting and Regular Meeting, to order at 7:00 p.m. to discuss items in detail. The Work Session and Special Meeting ended at 7:49 p.m., at which time the Commissioners proceeded into the Regular Meeting.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaheer, O'Malley, Plumley, Shafron and Ariyan.
4. Salute to the Flag was led by Chairman Ariyan.
5. Chairman's remarks. The Chairman had no remarks.
6. Approval of Minutes. Regular Meeting of Nov. 10, 2009. Commissioner O'Malley moved the minutes be accepted as presented seconded by Commissioner Dator. All Commissioners present voted in favor of the minutes except Commissioners Chewcaskie, Kasparian and Kelaheer who abstained.
7. Public Comments. Freeholder O'Brien was in attendance and informed everyone that this would be the last meeting she will be attending as a Freeholder.

No other members of the public were present.

8. Consideration for approval list of Resolutions attached dated Dec. 1, 2009.

Consent Resolution for Resolutions No.70-2009 to 72-2009.

All Resolutions were discussed during the work session. The resolutions were offered by Commissioner Chewcaskie seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolutions.

Resolution #70-2009. Approval of vouchers, payroll and tax deposits, and Pension and Benefits transfers for Nov. 2009 and Health and Dental Benefits for Dec.2009 as follows: Payroll Account \$246,897.35; Tax Deposit Account \$89,954.58; PERS and Contributory Insurance \$21,632.10; Health Benefits \$64,603.25; Dental Benefits \$5,105.03; DCRP Employee Contribution \$22.91; DCRP Employer contribution \$12.50; Operating Account

\$220,509.38; Improvement Account \$3,599.50; 2009A Project Account \$5,984.00.

Resolution #71-2009. Appointment of Secretary. This resolution is to re-appoint Madeline Thumudo as Secretary for a period of three (3) years at a salary of \$5,000 per annum.

Resolution #72-2009. Authorization to release the Maintenance Bond to Cothery Construction Co., Inc. (as amended). The resolution reflects the amendments discussed at the work session. This resolution is authorization to release the bond upon the recommendation of the Authority's engineers T&M Associates.

Motion #1 – Motion to approve Change Order #1 for Contract #250 Bar Screen Procurement in the credit amount of \$4,800. Motion was made by Commissioner Dator, seconded by Commissioner Ariyan. All commissioners present voted in favor of the motion.

Motion #2 – Motion to approve Change Order #1 (final) for Contract #244 Darlington Pump Station Odor Control Improvements in the credit amount of \$10,000. Motion was made by Commissioner Dator, seconded by Commissioner Ariyan. All Commissioners present voted in favor of the motion.

9. Reports of Committees

A. Finance Committee – Commissioner O'Malley thanked everyone that worked on the budget.

B. Personnel Committee – The Executive Director reported at the Work Session that we are in the process of implementing a drug and alcohol testing program which is being reviewed by counsel. We are also in the process of updating our personnel manual.

C. Insurance Committee – Committee is in the process of reviewing all of the Authority's insurance policies and will report at a later meeting.

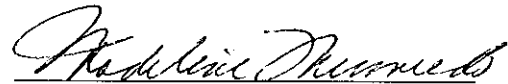
D. Operating Committee – Nothing further than what was reported at the Work Session.

E. Buildings & Grounds – Nothing to report.

10. Report of Treasurer – Short-term investments of approximately \$11.4 million at rates of 1.73% & 2.47%. Long term approximately \$3.7 million at rates of 4.75% to 6.17%.

11. Report of Counsel – Nothing further than what was reported at the Work Session.

12. **Report of Engineer – At the AEA two weeks ago, Howard attended the energy committee meeting as T&M’s guest and everyone was impressed with the Authority’s solar project.**
13. **Report of Executive Director – Nothing further than what was discussed at the Work Session.**
14. **Report of Superintendent - Nothing further than what was discussed at the Work Session.**
15. **Old Business. No old business to report.**
16. **New Business. No new business to report.**
17. **Public comments (on subjects 8 through 17). No public comments.**
18. **Adjournment. Motion to adjourn was made by Commissioner O’Malley, Seconded by Commissioner Dator. All Commissioners present voted to adjourn at 7:56 p.m.**


Madeline Thumudo, Secretary