

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

Northwest Bergen County Utilities Authority

PLEASE TAKE NOTICE the Northwest Bergen County Utilities Authority does hereby notify the public that the Work Session and the Regular Meeting scheduled for Wednesday, December 18, 2024 at 7:00 p.m. will be held at the Authority's offices located at 30 Wyckoff Avenue, Waldwick, New Jersey. Formal action will be taken. The agendas will be placed on the Authority website, nbcua.com, at least 48 hours prior to the meeting.

Northwest Bergen County
Utilities Authority

December 2, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

AGENDA REGULAR MEETING December 18, 2024

1. Meeting called to Order
2. Open Public Meetings Act Statement
3. Roll Call
4. Chairman's Remarks
5. Approval of Minutes
 - a. Regular Meeting – November 25, 2024
6. Public Comments (any subject)
7. Consideration for approval of list of Resolutions attached dated December 18, 2024
8. Report of Committees:
 - a. Finance Committee
 - b. Personnel Committee
 - c. Insurance Committee
 - d. Operating Committee
 - e. Strategic Plan Subcommittee
 - f. Buildings and Grounds Committee
9. Report of Treasurer
10. Report of General Counsel
11. Report of Consulting Engineer
12. Report of Executive Director
13. Report of Authority Engineer
14. Report of Superintendent
15. Old Business
16. New Business
17. Public Comments (on subjects 4 through 16)
18. Adjournment

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

**December 18, 2024
CONSENT AGENDA**

RESOLUTIONS

- 86-2024 Approval of Payment of Vouchers, Payroll, Tax Deposits and Pensions and Benefits
- 87-2024 Authorization To Adjust Connection Fee
- 88-2024 Approval of 2025 Adopted Budget
- 89-2024 Authorization To Award Contract for VX-456
- 90-2024 Authorization To Award Contract for the Furnishing & Delivery of Magnesium Hydroxide Slurry
- 91-2024 Approval of Personnel Action, Amendment of Existing Job Descriptions
- 92-2024 Approval of Personnel Action, Title Amendment and Salary Adjustment for Christopher O'Reilly
- 93-2024 Authorization To Renew A Shared Service Agreement with The Borough of Saddle River
- 94-2024 Authorization The Settlement Agreement Between The Northwest Bergen County Utilities Authority and Atlas Copco Compressors LLC
- 95-2024 Authorization To Enter Into a Shared Services Agreement With The Bergen County Utilities Authority For Qualified Purchasing Agent Services
- 96-2024 Amendment To The 2024 Authority Capital Budget

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 86-2024

Date: December 18, 2024

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

WHEREAS, the Northwest Bergen County Utilities Authority has received vouchers in claim for payment of materials supplied and/or rendered; and

WHEREAS, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and

WHEREAS, the Northwest Bergen County Utilities Authority has made payroll transfers, payroll tax deposits and Pensions & Benefits transfers for the month of November 2024 and Health Benefits and Dental Benefits transfers for December 2024; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions and Benefits, and Health and Dental Benefits transfers listed on the attached reports and have found them to be in order.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated December 18, 2024 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$191,177.01

ACCOUNT: Tax Deposit Account
Total: \$82,512.47

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$133,600.58

ACCOUNT: Health Benefits Contribution Employee
Total: \$3,708.09

ACCOUNT: Dental Benefits
Total Transfer: \$3,335.25

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 86-2024

Date: December 18, 2024

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

ACCOUNT: PERS and Contributory Insurance
 Total Transfer: \$27,114.05

ACCOUNT: Operating Account
 Total: \$425,967.05

ACCOUNT: General Improvement Account
 Total: \$73,343.86

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

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelahr	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
 ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 87-2024

Date: December 18, 2024

AUTHORIZATION TO ADJUST CONNECTION FEE

WHEREAS, after a public hearing on December 6, 2006, as set forth in the Resolution adopted on said date, the Northwest Bergen County Utilities Authority (the “Authority”) determined that it would be in the best interest of the public and the local government units it serves to institute a connection fee program in the manner prescribed by N.J.S.A. 40:14B-23, and to adopt the necessary amendments to the Authority’s Rules, Regulations and Standards required to implement the connection fee program; and

WHEREAS, at the hearing on December 12, 2024, the Authority determined that the cost of the connection fee for the year 2024 would be \$5,598 per service unit as calculated in the 2024 Sewer Connection Fee Rate Study prepared by Wielkocz & Company, LLC; and

WHEREAS, the firm of Wielkocz & Company, LLC, the auditor for the Authority, has prepared a report entitled “2025 Sewer Connection Fee Rate Study Update” (hereinafter sometimes referred to as the “Report”) for the Authority, with the assistance of the Authority staff, on the proper amount for a connection fee payable by an individual or party making a new connection to the System for the year 2025, in accordance with the formula set forth in N.J.S.A. 40:14B-22, for the privilege of making the connection (“2025 Sewer Connection Fee Rate Study Update”); and

WHEREAS, the connection fee per service unit as calculated in the Report is \$5,757; and

WHEREAS, on December 12, 2024, in accordance with the requirements of N.J.S.A. 40:14B-22, the Authority conducted a public hearing on the proposed adjustment of the connection fee prescribed by N.J.S.A. 40:14B-23; and

WHEREAS, the Authority, having considered, at the public hearing held on December 12, 2024: (i) 2025 Sewer Connection Fee Rate Study Update; and (ii) the statements of those attending the public hearing; and has determined that it would be in the best interest of the Authority to adopt an adjustment to the connection fee charge implemented for the year 2025; and

WHEREAS, the Authority has determined that the cost of the connection fee will be \$5,757 per service unit for 2025.

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

1. The Authority hereby establishes an adjustment to the connection fee of \$5,757 per service unit for 2025, effective as of the date of this Resolution, December 18, 2024, until amended.
2. The Executive Director is hereby authorized to take any and all steps necessary for the implementation of the adjustment of the connection fee.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 87-2024

Date: December 18, 2024

AUTHORIZATION TO ADJUST CONNECTION FEE

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

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

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelahr	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.

ASSISTANT SECRETARY

DATE: December 18, 2024

Northwest Bergen County Utilities Authority

Resolution 88-2024

Date: December 18, 2024

**2025 ADOPTED BUDGET RESOLUTION
FISCAL YEAR: January 1, 2025 to December 31, 2025**

WHEREAS, the Annual Budget and Capital Budget/Program for the Northwest Bergen County Utilities Authority for the fiscal year beginning January 01, 2025 and ending December 31, 2025 has been presented for adoption before the governing body of the Northwest Bergen County Utilities Authority at its open public meeting of December 18, 2024; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget presented for adoption reflects Total Revenues of \$16,997,510.00, Total Appropriations, including any Accumulated Deficit, if any, of \$16,997,510.00, and Total Unrestricted Net Position utilized of \$0.00; and

WHEREAS, the Capital Budget as presented for adoption reflect Total Capital Appropriations of \$21,222,500.00 and Total Unrestricted Net Position Utilized of \$860,000.00; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Northwest Bergen County Utilities Authority at an open public meeting held on December 18, 2024 that the Annual Budget and Capital Budget/Program of the Northwest Bergen County Utilities Authority for the fiscal year beginning January 01, 2025 and ending December 31, 2025 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

FRANK KELAHER, CHAIRMAN

Northwest Bergen County Utilities Authority

Resolution 88-2024

Date: December 18, 2024

**2025 ADOPTED BUDGET RESOLUTION
FISCAL YEAR: January 1, 2025 to December 31, 2025**

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelاهر	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.

ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 89-2024

Date: December 18, 2024

AWARD OF CONTRACT – VX-456®

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) operates a wastewater treatment facility, located at 30 Wyckoff Avenue in the Borough of Waldwick, County of Bergen, State of New Jersey; and

WHEREAS, the Authority advertised on November 26, 2024 for the furnishing and delivery of VX-456® for a period of two (2) years; and

WHEREAS, on December 10, 2024, the date specified for the public opening and reading of the bids for the VX-456® contract, one (1) bid was received; and

WHEREAS, Evoqua Water Technologies, LLC (“Evoqua”) contained in their bid a price of \$1.118 per pound for the delivery of approximately 2,500 gallons per shipment of VX-456®; and

WHEREAS, the Authority’s General Counsel has reviewed the bid of Evoqua and has found same to be in legal conformance with the advertised specifications and bid requirements, and the Local Contract Law, N.J.S.A.40A:11-1 et seq.; and

WHEREAS, the Authority’s technical advisor has reviewed the bid of Evoqua and has found same, in all technical aspects, to be in conformance with the advertised specifications and bid requirements, and as such has recommended that the Authority accept said bid submitted by Evoqua; and

WHEREAS, it has been certified by the Authority’s Certifying Financial Officer that there are funds available for the award of this contract to Evoqua; and

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

1. The bid of Evoqua for the furnishing and delivery of VX-456® in the amount of \$1.118 per pound, regardless of the amount of VX-456® ultimately demanded by and delivered to the Authority, for a period of two (2) years commencing December 10, 2024 be and is hereby accepted.
2. In all respects relating to the performance of the VX-456® Contract hereby awarded, Evoqua is hereby directed to comply with the requirements of P.L. 1975, Chapter 127, and all other applicable statutes and regulations dealing with anti-discrimination and/or equal opportunity in public contracts.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 89-2024

Date: December 18, 2024

AWARD OF CONTRACT – VX-456®

- 3. In all respects relating to the performance of the VX-456® Contract hereby awarded, Evoqua is hereby directed to comply with the requirements of P.L. 1975, Chapter 127, and all other applicable statutes and regulations dealing with anti-discrimination and/or equal opportunity in public contracts.
- 4. The Chairman or Vice-Chairman of the Authority shall be and hereby is authorized to execute on behalf of the Authority any such contract with Evoqua.
- 5. Notice of the contract award shall be advertised in accordance with applicable law.

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

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelahr	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY
DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 90-2024

Date: December 18, 2024

AUTHORIZATION TO AWARD CONTRACT FOR THE FURNISHING AND DELIVERY OF MAGNESIUM HYDROXIDE SLURRY

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") operates a wastewater treatment facility, located at 30 Wyckoff Avenue in the Borough of Waldwick, County of Bergen, State of New Jersey; and

WHEREAS, the Authority advertised on November 26, 2024 for the furnishing and delivery of magnesium hydroxide slurry for a period of two (2) years; and

WHEREAS, on December 10, 2024 the date specified for the public opening and reading of the bids for the magnesium hydroxide slurry contract, one (1) bid was received; and

WHEREAS, Premier Magnesia LLC ("Premier") submitted a bid price of \$0.492 per dry pound for the furnishing and delivery of magnesium hydroxide slurry; and

WHEREAS, the Authority's General Counsel has reviewed the bid of Premier and has found same to be in legal conformance with the advertised specifications and bid requirements, and the Local Contract Law, N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, the Authority's technical advisor has reviewed the bid of Premier and has found same, in all technical aspects, to be in conformance with the advertised specifications and bid requirements, and as such has recommended that the Authority accept said bid submitted by Premier; and

WHEREAS, it has been certified by the Authority's Certifying Financial Officer that there are funds available for the award of this contract to Premier; and

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

1. The bid of Premier Magnesia, LLC for the price of \$0.492 per pound for the furnishing and delivery of magnesium hydroxide slurry for a period of two (2) years commencing December 10, 2024, be and is hereby accepted.

2. In all respects relating to the performance of the magnesium hydroxide slurry Contract hereby awarded, Premier is hereby directed to comply with the requirements of P.L. 1975, Chapter 127, and all other applicable statutes and regulations dealing with anti- discrimination and/or equal opportunity in public contracts.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 90-2024

Date: December 18, 2024

AUTHORIZATION TO AWARD CONTRACT FOR THE FURNISHING AND DELIVERY OF MAGNESIUM HYDROXIDE SLURRY

- 3. The Chairman or Vice-Chairman of the Authority shall be and hereby is authorized to execute on behalf of the Authority any such contract with Premier.
- 4. Notice of the contract award shall be advertised in accordance with applicable law.

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelahe	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY
DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 91-2024

Date: December 18, 2024

APPROVAL OF PERSONNEL ACTION, AMEDMENT OF EXISTING JOB DESCRIPTIONS

WHEREAS, pursuant to N.J.S.A. 40:14B-18, the Authority may appoint and employ such personnel as the Authority may determine necessary for its efficient operations.

WHEREAS, the Commissioners of the Northwest Bergen County Utilities Authority have determined the need to amend the job descriptions of Utility Stock Clerk and IT Advisor.

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

1. Authorities the Executive director to amend the job descriptions of Utility Stock Clerk and IT Advisor; and
2. The formal action(s) of the Commissioners of The Northwest Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

FRANK KELAHER, CHAIRMAN

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 91-2024

Date: December 18, 2024

APPROVAL OF PERSONNEL ACTION, AMEDMENT OF EXISTING JOB DESCRIPTIONS

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaher	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.

ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 92-2024

Date: December 18, 2024

**APPROVAL OF PERSONNEL ACTION, TITLE AMENDMENT AND SALARY
ADJUSTMENT FOR CHRISTOPHER O'REILLY**

WHEREAS, N.J.S.A. 40:14B-1 provides, *inter alia*, that the Authority may “appoint and employ, such other agents and employees as it may require and determine their duties and compensation”; and

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) has determined that there presently exists the need to fill the position of IT Advisor; and

WHEREAS, the Authority, by Resolution 90-2024 adopted December 18, 2024, amended the job descriptions of Utility Stock Clerk and IT Advisor meet the current needs of the Authority; and

WEREAS, the position of IT Advisor become vacant, necessitating the need to fill position; and

WHEREAS, the Authority, by Resolution 60-2021 hired Christopher O’Reilly as the Authority’s Utility Stock Clerk, to which he has served in this role with competence and professionalism; and

WHEREAS, The Authority approved resolution 84-2024 authorizing a Memorandum of Agreement with the Non-Supervisory Collective Bargaining Unit removing the title of Utility Stock Clerk from the Collective Bargaining Agreement; and

WHEREAS, Mr. Oreilly has both expressed and shown a willingness and ability to complete the responsibilities of IT Advisor; and

WHEREAS, the Authority has determined that Mr. O’Reilly is competent and qualified to perform the duties of IT Advisor, in addition to his role as Utility Stock Clerk; and

WHEREAS, in response to the additional responsibility bestowed upon Mr. Oreilly, the Authority recommends that his salary be adjusted to \$78,000; and

WHEREAS, Mr. O’Reilly will now report directly to the Authority’s Superintendent and the Authority’s table of organization shall reflect this change; and

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

1. Christopher O’Reilly’s title shall be amended to include the title of IT Advisor for the Authority effective immediately, at an annual compensation not to exceed the sum of \$78,000, and shall be retroactive from December 1, 2024.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 92-2024

Date: December 18, 2024

**APPROVAL OF PERSONNEL ACTION, TITLE AMENDMENT AND SALARY
ADJUSTMENT FOR CHRISTOPHER O'REILLY**

- 2. Any and all resolutions, appointments, engagements and/or agreements inconsistent herewith shall, to the extent of their inconsistency, be and the same are hereby superseded, and this resolution shall serve as authorization to implement the terms hereof.

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

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaheer	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY
DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 93-2024

Date: December 18, 2024

**AUTHORIZATION TO RENEW A SHARED SERVICES AGREEMENT WITH THE
BOROUGH OF SADDLE RIVER**

WHEREAS, the State of New Jersey encourages local units to enter into agreements for the joint provision of municipal services; and

WHEREAS, the State of New Jersey authorizes entering into such agreements for shared services pursuant to NJSA 40A:65-1 et. seq.; and

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) and the Borough of Saddle River (the “Borough”) had entered into an Shared Services Agreement on January 1, 2024 for a duration of one (1) year with a termination date of December 31, 2024 for the Authority to act as the New Jersey Licensed Operator for the Borough; and

WHEREAS, the Borough has adopted its Resolution No. 195-24 authorizing entering into a new shared services agreement with the Authority to receive the same services as previously provided; and

WHEREAS, the Authority desires to enter into this agreement with the Borough for a duration of one (1) year subject to the terms and conditions set forth in said agreement.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following:

1. The Authority shall enter into a Shared Services Agreement on January 1, 2025 with the Borough of Saddle River for a duration of one (1) year to act as the New Jersey Licensed Sewer Operator for the Borough.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 93-2024

Date: December 18, 2024

**AUTHORIZATION TO RENEW A SHARED SERVICES AGREEMENT WITH THE
BOROUGH OF SADDLE RIVER**

- 2. The Chairman of the Authority and the Executive Director be and are hereby authorized on behalf of the Authority to execute the Shared Services Agreement with the Borough of Saddle River annexed hereto and made a part thereof.
- 3. That the formal action(s) of the Commissioners of the Northwest Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaher	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 94-2024

Date: December 18, 2024

**RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT
BETWEEN THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
AND ATLAS COPCO COMPRESSORS LLC**

WHEREAS, on September 16, 2016, the Authority entered into a contract (the “Contract”) with Atlas Copco for the replacement of existing centrifugal blowers for the aeration tanks at the Authority plant which project was authorized by the Authority as Contract No. 271 (Aeration Blower Replacement and Waste Storage System Upgrade) hereinafter referred to as the “Project”; and

WHEREAS, following the installation of the blowers pursuant to the Contract with Atlas Copco, various issues arose including bearing failures, discharge of check valve and failures resulting in overheating and a number of other issues necessitating extensions of time for the completion date of the project; and

WHEREAS, the blowers were originally warrantied for two (2) years as of November 1, 2019, when the Project was completed and the blowers were accepted by and warranty services under a five (5) year service agreement, as authorized service agent for Atlas Copco; and the Authority, and thereafter the warranty was further extended following a period of stable operation concluding on September 4, 2020; and

WHEREAS, the warranty period for the blowers was agreed between the Parties to begin on November 1, 2020 following a period of stable operation, and

WHEREAS, following the Contract close-out with Atlas Copco the Authority retained the services of Airmatic Compressor Systems Inc. (“Airmatic”) of 700 Washington Avenue, Carlstadt, New Jersey 07072 to provide preventative maintenance

WHEREAS, the Authority was subsequently informed by Atlas Copco and Airmatic that Airmatic was not authorized to provide maintenance services on the blowers; and

WHEREAS, numerous issues arose between the Parties with respect to the performance of the blowers, and charges for certain services that the Authority contended were under the Atlas Copco warranty; and

WHEREAS, the Parties engaged in numerous discussions and negotiations in order to resolve the disputes concerning the Contract, the warranty coverage and the performance of the blowers; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 94-2024

Date: December 18, 2024

**RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT
BETWEEN THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
AND ATLAS COPCO COMPRESSORS LLC**

WHEREAS, representatives for the Parties have engaged in negotiations to finalize the details of a Settlement Agreement to resolve the issues and they have included the terms of said settlement in a final form of Settlement Agreement that is acceptable in form and substance to the Parties and is now suitable for execution and delivery; and

WHEREAS, the Authority has, on December 18, 2024, ratified and executed the Settlement Agreement to conclude the dispute in this matter upon the following terms and conditions:

1. The Authority shall enter into a five (5) year Maintenance and Warranty Agreement directly with Atlas Copco;
2. The Authority has compromised the outstanding charges at fifty (50%) percent, or Eighty-Six Thousand Six and 21/100 (\$86,006.21) Dollars; and
3. The Parties will mutually release each other of further claims related to the purchase and installation of the blowers; and

WHEREAS, the Authority has reviewed the settlement with the assistance of its General Counsel and has determined to enter into the settlement to conclude the dispute in this matter; and

NOW, BE IT FURTHER RESOLVED that the Authority hereby authorizes its entry into the attached Settlement Agreement between the Authority and Atlas Copco Compressors LLC and the NBCUA authorizes the Chairman and the Assistant Secretary to execute the Settlement Agreement and related documents as may be necessary, advisable and in the best interest of the Authority in furtherance of the Settlement Agreement; and

BE IT FURTHER RESOLVED, that the Chairman and General Counsel be and hereby are authorized to execute and deliver the said Settlement Agreement; and

FRANK KELAHER, CHAIRMAN

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 94-2024

Date: December 18, 2024

**RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT
BETWEEN THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
AND ATLAS COPCO COMPRESSORS LLC**

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaher	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 95-2024

Date: December 18, 2024

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BERGEN COUNTY UTILITIES AUTHORITY FOR QUALIFIED PURCHASING
AGENT SERVICES**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes any local unit of the State to enter into an Interlocal Services Agreement with any other local unit(s) for the joint provision within the several jurisdictions of any service which any party to the agreement is empowered to undertake within its own jurisdiction; and

WHEREAS, the State of New Jersey, consistent with the Act, encourages local units, such as the Northwest Bergen County Utilities Authority (the “Authority”), to enter into agreements for the joint provision of governmental services as is authorized by the Act; and

WHEREAS, N.J.S.A. 40:14B-20 further authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:14B-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. (“Local Public Contracts Law”); and

WHEREAS, the Authority, in furtherance of providing essential governmental services, requires the services of a Qualified Purchasing Agent to provide services on behalf of the Authority necessary to perform the requisite duties associated with the title of Qualified Purchasing Agent as set forth in N.J.A.C. 5:32-4, to administer and/or implement the rules and regulations promulgated thereunder, as amended (“Qualified Purchasing Agent Services”), from time to time on an as needed basis and including specifically beginning January 1, 2025; and

WHEREAS, the Authority and the Bergen County Utilities Authority (the “BCUA”) have discussed the benefits of the parties entering into a shared services agreement, pursuant to which the BCUA will allow the Authority to utilize Eric Martinez, a certified Qualified Purchasing Agent, Certification No. Q-2355, who serves as the BCUA’s Qualified Purchasing Agent, to serve as the Authority’s Qualified Purchasing Agent and to provide Qualified Purchasing Agent Services to the Authority on an as needed basis beginning Jan. 1, 2025 as is authorized by N.J.S.A. 40A:11-9(a); and

WHEREAS, the BCUA and the Authority now wish to enter into a shared services agreement (the “Shared Services Agreement”) for Qualified Purchasing Agent Services in order to allow for Eric Martinez, who is certified as a Qualified Purchasing Agent by the State of New Jersey Department of Community Affairs, Division of Local Government Services, Certification No. Q-2355, and who serves as the BCUA’s Qualified Purchasing Agent, to serve as Qualified Purchasing Agent for, and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 95-2024

Date: December 18, 2024

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BERGEN COUNTY UTILITIES AUTHORITY FOR QUALIFIED PURCHASING
AGENT SERVICES**

provide such Qualified Purchasing Agent Services to and on behalf of, the Authority on an as needed basis beginning January 1, 2025 as is authorized by N.J.S.A. 40A:11-9(a); and

WHEREAS, the Assistant Executive Director of the Authority has reviewed the proposed Shared Services Agreement and recommends that the Board of Commissioners of the Authority accept the terms of the proposed Shared Services Agreement on file at the Authority offices; and

WHEREAS, the Authority has determined it is in the best interests of the Authority and its ratepayers to enter into the Shared Services Agreement with the BCUA pursuant to which Eric Martinez, who is certified as a Qualified Purchasing Agent by the State of New Jersey Department of Community Affairs, Division of Local Government Services, Certification No. Q-2355, and who serves as the BCUA's Qualified Purchasing Agent, will serve as Qualified Purchasing Agent for, and provide such Qualified Purchasing Agent Services to and on behalf of, the Authority on an as needed basis beginning January 1, 2025 as is authorized by N.J.S.A. 40A:11-9(a).

WHEREAS, the Authority desires to enter into the Shared Services Agreement with the BCUA for the duration and subject to the terms and conditions as are set forth in said Shared Services Agreement.

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

1. The Authority agrees to enter into the Shared Services Agreement with the BCUA for the duration and on the terms and conditions as are set forth in said Shared Services Agreement for the providing of Qualified Purchasing Agent Services by the BCUA to and on behalf of the Authority on an as needed basis.
2. The Chairman and/or the General Legal Counsel of the Authority shall be and is hereby authorized and directed on behalf of the Authority to execute the Shared Services Agreement with the BCUA, a copy of which shall remain on file at the Authority in the office of the Executive Director.
3. that the formal action(s) of the Commissioners of the Northwest Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14(b).

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 95-2024

Date: December 18, 2024

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BERGEN COUNTY UTILITIES AUTHORITY FOR QUALIFIED PURCHASING
AGENT SERVICES**

FRANK KELAHER, CHAIRMAN

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaheer	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.
ASSISTANT SECRETARY

DATE: December 18, 2024

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 96-2024

Date: December 18, 2024

AMENDMENT TO THE 2024 AUTHORITY CAPITAL BUDGET

WHEREAS, the Northwest Bergen County Utilities Authority’s 2024 Capital Budget was adopted on the 13th day of December 2023; and

WHEREAS, N.J.A.C. 5:31-2.8, provides that all amendments to the Authority’s Capital Budget shall be approved and adopted by resolution of the Authority, passed by not less than a majority of the full membership; and

WHEREAS, the Authority’s Administration has reviewed the status of its 2024 capital projects and determined that an amendment is required to reduce, increase and/or reallocate the overall 2024 Capital Budget to projects of greater priority to the Authority and Authority’s sewer system; and

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following amendments be made to the Capital Budget of the Northwest Bergen County Utilities Authority for its year ending December 31, 2024:

	FROM:	TO:
Funding Source:		
Unrestricted Net Position Utilized	\$ 900,000	\$ 460,000
Debt Authorization	10,100,000	2,146,000
	<u>\$ 11,000,000</u>	<u>\$ 2,606,000</u>
Capital Outlay:		
Vehicle Storage Building	\$ 500,000	\$ -
Cake Receiving Facility	3,000,000	300,000
Incinerator Repairs	2,000,000	70,000
Update Solar Generating System	500,000	-
Replace Secondary Slide Gates	2,000,000	-
Allendale Manhole Repair	-	321,000
Utility Vehicle	250,000	250,000
Collection System Gravity Main Repairs (Phase 1)	500,000	500,000
Force Main Repairs (S340700-19)	1,500,000	400,000
Replace Plant Water Line	150,000	70,000
Collection System Expansion - Oakland	600,000	-
Aeration Blower Replacement	-	85,000
Incinerator Blower Replacement	-	120,000
Midland Park PS Upgrade	-	90,000
Gravity Thickener Repairs	-	200,000
Interceptor Manhole Inspections/Repairs (Phase 2/3)	-	200,000
	<u>\$ 11,000,000</u>	<u>\$ 2,606,000</u>

FRANK KELAHER, CHAIRMAN

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 96-2024

Date: December 18, 2024

AMENDMENT TO THE 2024 AUTHORITY CAPITAL BUDGET

RECORDED VOTE:

	Bonagura	Biale	Jordan	Lo Iacono	Ortega	Tombalakian	Virk	Kelaheer	
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority December 18, 2024.

DOUGLAS M. BERN, ESQ.

ASSISTANT SECRETARY

DATE: December 18, 2024