



**MINUTES  
REGULAR MEETING  
February 16, 2016**

1. The Meeting was called to order at 7:44pm.
2. The Chairman read the statement in compliance with C. 231, PL 1975.
3. Roll Call: The following Commissioners were present: Gabbert, Kasparian (via telephone), Kelaher, Plumley, Salazer and Chairman Chewcaskie. The following Commissioners were absent: Bonagura, DaPuzzo, and DePhillips.
4. Salute to the Flag was led by the Chairman.
5. Election of Officers:
  - a. Report of Nominating Committee: Commissioner Kelaher reported that the nominating committee nominates Brian Chewcaskie as Chairman and Michael Kasparian as Vice-Chairman for the ensuing year.
  - b. Election of Chairman and Vice-Chairman for ensuing year: Commissioner Kelaher made a motion to elect Brian Chewcaskie as Chairman and Michael Kasparian as Vice-Chairman. Commissioner Gabbert seconded the motion. All present Commissioners voted yes.
6. The Chairman Remarks: Chairman Chewcaskie thanked the Board for his reappoint as Chairman. Going forward he and Vice-Chairman Kasparian have good ideas for expanding the customer base.
7. Public Comments: Frank Palladino, resident of Waldwick, had several inquiries. First, he asked if the 2016 Service Charges rates have been established. Chairman Chewcaskie informed him that the service charges have been established and were sent to the municipalities on January 13<sup>th</sup>. Waldwick received an increase of 2.66%.

Secondly, Mr. Palladino's asked about the status of his inquiry from last meeting regarding his attendance to the NJDEP inspections at the Authority. Mr. Genetelli informed him that contact was made with the NJDEP enforcement agent. The DEP was hesitant in accommodating the request. They indicated that timing is an issue since the inspections are unscheduled. She also stated that the inspections are between Northern Enforcement and

the permittee and that outside interferences would not be welcomed by her during an inspection. The results of the inspection can be found on the DEP's website.

Third, Mr. Palladino indicated that he had read an article that 5 millimeter plastic particulates are being discharged into the Hudson River. He asked if the Authority's screens pick up that small a particulate. Mr. Genetelli explained that the Authority does not have a formal screening process. Our discharge permit allows for 30 milligrams per liter to be released, and the Authority averages well below the permitted amount. The Authority does not have anything that can eliminate something that small. Commissioner Kelaher added that no sewage treatment plant can eliminate plastic particulates that small in size.

Lastly, Mr. Palladino asked if there is an annual odor meeting that is held. Chairman Chewcaskie advised him that there is not. However, John DeRienzo, the Authority's municipal liaison, follows up with municipalities regarding odor complaints that are received. When a complaint is received, an investigation is conducted and a log is kept. Mr. DeRienzo is always available to meet with communities when odor complaints are received.

8. Consideration for approval of minutes:

- a. Regular Meeting – January 12, 2016: Commissioner Kelaher motioned to accept the minutes from the January 12, 2016 Special Meeting, Commissioner Gabbert seconded the motion. All present Commissioners voted yes to accept the minutes.
- b. Special Meeting – January 12, 2016: Commissioner Gabbert motioned to accept the minutes from the January 12, 2016 Special Meeting, Commissioner Salazer seconded the motion. All present Commissioners voted yes to accept the minutes.

9. Consideration for approval list of Resolutions dated February 18, 2016.

- a. The Commissioners voted on Resolution No. 05-2016 through 09-2016, 11-2016 through 16-2016, 19-2016 through 33-2016 by Consent Resolution. Commissioner Gabbert offered the Consent Resolution and Commissioner Kelaher seconded. All present Commissioners voted yes.

Resolution No. 05-2016 – Approval of vouchers, payroll and tax deposits and pensions and benefits transfers for January 2016 and Health and Dental Benefits for February 2016 as follows: Payroll Account: \$317,989.20; Tax Deposit Acct: \$151,794.55; Health Benefits Contribution-Employer: \$116,976.46; Health Benefits Contribution Employee: \$9,723.63; Dental Benefits: \$4,231,68; PERS and Contributory Insurance: \$30,646.98; Operating Account: \$367,833.84; General Improvement Account: \$136,642.29; 2014 WWT Project Account: \$332.75; 2015 WWT Project Account: \$186,698.71.

Resolution No. 06-2016 – 2016 Schedule of Meetings: This resolution sets the meeting dates for the year 2016.

Resolution No. 07-2016 – Official Newspapers for 2016: This resolution designates the Record, Ridgewood News and Herald News as official newspapers for the Authority for 2016.

Resolution No. 08-2016 – Designation of Bank Depositories for 2016: The following banks have been designated as depositories for the Year 2016: TD Bank, Allendale, NJ; Bank of New York Mellon, Woodland Park, NJ; Bank of New Jersey, Haworth, NJ; Santander Bank, Short Hills, NJ; Sussex Bank, Franklin, NJ.

Resolution No. 09-2016 – Resolution authorizing contracts with certain approved State Contractor Vendors for Contracting Unites pursuant to NJSA40A:11-12a: This Resolution authorizes the purchasing agent to purchase certain goods and services from those approved New Jersey State Contract Vendors as indicated by attachment to the Resolution.

Resolution No. 11-2016 – Northwest Bergen County Utilities Authority NJEIFP Loan No. S340700-14: The Authority intends to file a loan application with the NJDEP and the NJEIT for the Authority's Midland Park Force Main Installation Project. This resolution designates Executive Director, Howard Hurwitz as the authorized representative to represent the Authority in all matters relating to the proposed project.

There was a discussion during the Work Session concerning this potential 2017 Capital Project, the Midland Park Force Main. Mr. Hurwitz had initially explained that the cost of this project is high and the benefit may be difficult to justify. However, the engineering and drawings have been completed so at this point in time it is beneficial to file the application with the NJEIT and the Authority does not necessarily have to pursue the project in 2017 and may consider it at a later time.

The costs for this project is now estimated at \$2.88 million, which is an increase of \$500 thousand from what was originally projected. The pipe has not experienced a failure in over 30 years. Commissioner Kasparian expressed concern that if the Authority does not proceed with this project then we will need to be able to justify why we did not do it. Another issue is determining the life expectancy of this type of line. He has asked Mr. Hurwitz and the Engineer to look into it to see how long a pipe like this can last. He also noted that there is technology that allows us to inspect the line to identify deficiencies and weak points within the pipe.

Chairman Chewcaskie determined that this matter should be discussed further with the operating committee. Other options can be explored before borrowing the money to install a new pipe. There are other capital projects on the table that may need to be considered before this one. The Operating Committee will discuss the project and then a formal decision can be made at the Board level.

Resolution No. 12-2016 – Northwest Bergen County Utilities Authority NJEIFP Loan No. S340700-15: The Authority intends to file a loan application with the NJDEP and the NJEIT for the Authority’s Wastewater Pump Station Improvements Project. This resolution designates Executive Director, Howard Hurwitz as the authorized representative to represent the Authority in all matters relating to the proposed project.

Resolution No. 13-2016 – Northwest Bergen County Utilities Authority NJEIFP Loan No. S340700-16: The Authority intends to file a loan application with the NJDEP and the NJEIT for the Authority’s Wastewater Treatment Plant Improvements (2016) Project. This resolution designates Executive Director, Howard Hurwitz as the authorized representative to represent the Authority in all matters relating to the proposed project.

Resolution No. 14-2016 – Northwest Bergen County Utilities Authority NJEIFP Loan No. S340700-17: The Authority intends to file a loan application with the NJDEP and the NJEIT for the Authority’s Security System Upgrades Project. This resolution designates Executive Director, Howard Hurwitz as the authorized representative to represent the Authority in all matters relating to the proposed project.

Resolution No. 15-2016 – Resolution to amend Special Counsel Professional Services Contract – The Authority appointed Sokol Behot, LLP (the Sokol Firm) as Special Counsel on April 21, 2015. The original resolution and professional services agreement state the compensation for the Sokol Firm to be capped at \$18,000.00 and then amended on October 20, 2015 to increase the fee to \$22,200. The Sokol firm has advised the Authority that due to ongoing mediation with Underground Utilities Corporation, that the \$22,200 will be exceeded and has requested the Authority increase the not to exceed cost to \$26,850. This resolution amends the professional services agreement to increase the not to exceed cost to \$26,850 and for the original resolution and agreement remain in full force and effect.

Resolution No. 16-2016: Resolution amending an Agreement to provide Legal service with Chasan Leyner & Lamparello, PC – The Authority appointed Chasan Leyner & Lamparello, PC (CLL) as Special Counsel on April 21, 2015 to properly represent the Authority in connection with a March 9, 2015 arbitration award against the Authority. The original resolution and professional services agreement state the compensation for CLL to be capped at \$18,000.00. CLL has advised the Authority that due to the ongoing services, specifically their representing the Authority in an appeal of the March 9, 2015 arbitration that the \$18,000 will be exceeded and has requested the Authority increase the not to exceed cost to \$35,000. This resolution amends the professional services agreement to increase the not to exceed cost to \$35,000 and for the original resolution and agreement remain in full force and effect.

Resolution No. 19-2016: The Township of Mahwah submitted an application for a sewer extension and water main installation on Wyckoff Avenue between Parsole Court and west Crescent Avenue. The Project would consist of connecting 5 existing residential homes to the system. The average flow for these connections would be 1,500 gallons per day, or 5 residential equivalent dwelling units. The Authority's technical advisor has reviewed the application and recommends the Authority approve the project. This Resolution approves the application made by the Township of Mahwah for the proposed sanitary sewer extension on Wyckoff Avenue subject to the fulfillment of the terms and conditions outlined within the resolution.

Resolution No. 20-2016 – Resolution Ratifying Emergency Purchases and Contracts caused by failure of backup generator at Darlington Pump Station, Mahwah, NJ: On or about December 22, 2015, the Authority's backup generator at the Darlington Pump Station located at Mahwah, NJ failed its weekly generator test and was non-operable. Due to the location of the pump station on the shores of the Ramapo River, any power outage experienced without a backup source of power would cause a spill into the River causing the potential for a public safety and health concern. It was determined that there was a clear endangerment to the public health and welfare and the necessary Emergency Procurement Report was filed with the Division of Local Government Services. The total cost for the emergency purchases related to this matter was \$39,324.03 and were provided by Rapid Pump and Meter Service, Co., Inc. and Cummins Power Systems, LLC.

Resolution No. 21-2016 – Qualifications of individuals/firms for the provision of legal services. The Authority issued a Request for qualifications for legal services on January 15, 2016. Nine (9) responses were received on January 29, 2016. The following eight (8) firms/individuals were found to be qualified to provide legal services to the Authority: Eric M. Bernstein and Associates, LLC; Sokol, Behot, LLP; Waters, McPherson, McNeill; Rubenstein, Meyerson, Fox, Mancinelli, Conte & Bern, PA; DeCotiis, Fitzpatrick & Cole, LLP; Chasan, Leyner & Lamparello; Weiner Lesniak, LLP; Mariniello & Mariniello, PC.

Resolution No. 22-2016 – Qualification of individuals/firms for the provision of engineering services. The Authority issued a Request for qualifications for engineering services on January 15, 2016. Nine (9) responses were received on January 30, 2015. The following nine (9) firms/individuals were found to be qualified to provide engineering services to the Authority: Boswell Engineering; Chavond Barry Engineering Corp; CME Associates; T&M Associates; Tighe & Bond; CP Engineers; Suburban Consulting Engineers; NV5; RK Hess.

Resolution No. 23-2016 – Qualification of individuals/firms for the provision of auditing services. The Authority issued a Request for qualifications for the position of Auditor on January 16, 2016. One (1) response was received on January 29,

2016. The following firms/individuals were found to be qualified to provide auditing services to the Authority: Ferraioli, Wielkottz, Cerullo & Cuva, PA.

Resolution No. 24-2016 – Qualifications of individuals/firms for the provision of bond counsel services. The Authority issued a Request for qualifications for bond counsel services on January 15, 2016. Three (3) responses were received on January 29, 2016. The following three (3) firms/individuals were found to be qualified to provide bond counsel services to the Authority: Gibbons, PC; DeCotiis, Fitzpatrick & Cole, LLP; Waters, McPherson, McNeill, PC.

Resolution No. 25-2016: Qualifications of individuals/firms for the provision of risk management services: The Authority issued a Request for qualifications for risk management services on January 15, 2016. Three (3) responses were received on January 29, 2016. The following one (1) firm was found to be qualified to provide risk management services to the Authority: Arthur Caughlan and Gerard Quinn, A Division of Nelson-Patterson and Conklin & Kraft..

Resolution No. 26-2016 – Retention of Auditor for 2016 pursuant to N.J.S.A. 19:44A-20.4: The firm of Ferraioli, Wielkottz, Cerullo & Cuva, PA was found to be highly qualified and eminently capable of providing auditing services to the Authority. This Resolution retains Ferraioli, Wielkottz, Cerullo & Cuva, PA as Auditor for the year 2016 with a not to exceed compensation amount of \$72,000.

Resolution No. 27-2016 – Retention of Authority Engineer pursuant to N.J.S.A. 19:44A-20.4. T&M Associates was found to be highly qualified and eminently capable of providing consulting engineer services. This resolution retains T&M Associates as the Authority Engineer for 2016, with a not to exceed compensation amount of \$90,000.

Resolution No. 28-2016 – Retention of Authority Engineer for Service Charges pursuant to N.J.S.A. 19:44A-20.4. Paul Malmrose of Tighe & Bond, Inc. was determined to be highly qualified and capable of providing consulting engineering services to the Authority. This resolution retains Paul Malmrose of Tighe & Bond as the engineer for 2017 service charges with a not to exceed compensation of \$46,600.

Resolution No. 29-2016 – Retention of Authority Engineer for General Incinerator Advice pursuant to N.J.S.A. 19:44A-20.4. Chavond Barry Engineering Corp. was found to be highly qualified and eminently capable of providing consulting engineer services. This resolution retains Chavond Barry Engineering Corp. as Consulting Engineer to provide general incinerator advice in 2016, with a not to exceed compensation amount of \$35,000.

Resolution No. 30-2016 – Retention of General Counsel pursuant to N.J.S.A. 19:44A-20.4. Chasan, Leyner & Lamparello, PC was found to be highly qualified and eminently capable of providing legal services. This resolution retains Chasan,

Leyner & Lamparello, PC as General Counsel for 2016, with a not to exceed compensation amount of \$60,000.

Resolution No. 31-2016 – Retention of Labor Counsel pursuant to N.J.S.A. 19:44A-20.4. Eric M. Bernstein & Associates, LLC was found to be highly qualified and eminently capable of providing labor counsel services. This resolution retains Eric M. Bernstein & Associates, LLC as Labor Counsel for 2016, with a not to exceed compensation amount of \$30,000.

Resolution No. 32-2016 – Retention of Bond Counsel pursuant to N.J.S.A. 19:44A-20.4. Gibbons, PC was found to be highly qualified and eminently capable of providing bond counsel services. This resolution retains Gibbons, PC as Bond Counsel for 2016, with a not to exceed compensation amount of \$65,000.

Resolution No. 33-2016: Retention of Risk Manager pursuant to N.J.S.A. 19:44A-20.4. Arthur Caughlan and Gerard Quinn, Division of Nelson-Patterson and Conklin & Kraft was found to be highly qualified and eminently capable of providing risk management services. This resolution retains Arthur Caughlan and Gerard Quinn as Risk Manager for 2016, at a rate of 3% of the NJUJIF Annual Premium Assessment.

- b. The following Resolution was voted on separately.

Resolution No. 10-2016 was offered by Commissioner Gabbert and seconded by Commissioner Kelaher. The following Commissioners voted yes: Gabbert, Kasparian, Kelaher, Plumley, and Chairman Chewcaskie. Commissioner Salazer abstained.

Resolution No. 10-2016 – Authorization to enter into a Shared Services Agreement with the Borough of Saddle River: This resolution authorizes the Authority to enter into a shared services agreement with the Borough of Saddle River for a period of one (1) year to act as the Borough's New Jersey Licensed Operator and to provide monthly monitoring to the Borough's one (1) wastewater pump station and to perform repairs, corrective actions and respond to pump station alarms during business and non-business hours.

- c. The following Resolutions were tabled:

Resolution No. 17-2016 – Resolution of the Governing Body of the Northwest Bergen County Utilities Authority authorizing Connection Fee Payment Agreement with Toll NJ XII LP for 845 Ewing Avenue, Borough of Franklin Lakes

Resolution No. 18-2016 – Proposed Sanitary Sewer Extension – The Reserve at Franklin Lakes, 845 Ewing Avenue, Franklin Lakes, Block 3104 Lot 1, Block 3105 Lot 1, Block 3205 Lot 2, Block 3206 Lots 1, 1.01, 1.02 & 2, Block 3207 Lots 3 & 5, Block 3208 Lots 2, 3 & 4, Borough of Franklin Lakes, NJ.

A payment plan with Toll NJ XII LP (Toll) has been prepared and signed by Toll. The initial payment has been received by the Authority. However, the guaranty related to the agreement had not been executed by Toll. Mr. Garcia has been in contact with Toll and indicated to them that in order to proceed a guaranty is required. Toll requested to provide a letter of credit in lieu of a personal guaranty. Mr. Garcia said that will suffice and the paperwork is being finalized.

Commissioner Kasparian inquired why a payment plan is required. Mr. Hurwitz indicated that we will be receiving 6% interest on the sewer connection fee which is a good investment of the fee. Additionally, the project will likely be built in phases. Commissioner Kasparian expressed concern that if Toll does not finish or even do the project then the Authority will not receive the sewer connection. It is his belief that the Authority should not enter into a payment plan and that the fee should be paid in full now.

Chairman Chewcaskie proposed for Commissioner Kasparian to make a motion to table the Resolution until next meeting so there can be further discussion. Mr. Hurwitz indicated that if the payment agreement resolution is tabled then it would be appropriate to table the resolution approving the sewer extension as well.

There was a motion made by Commissioner Kasparian to table Resolution 17-2016 & Resolution 18-2016. Commissioner Kelaher seconded the motion. The following Commissioners voted yes to table the Resolutions: Kasparian, Kelaher, Plumley, Salazer and Chairman Chewcaskie. Commissioner Gabbert abstained.

- d. Commissioner Plumley offered Motion 16-01, Commissioner Salazer seconded the motion. All Commissioners voted in favor of Motion 16-01.

Motion 16-01 – Motion to authorize Executive Director Howard Hurwitz, Assistant Executive Director James Rotundo and Commissioner Kenneth Gabbert to attend the Association of Environmental Authorities' Utility Management Conference in Atlantic City, New Jersey on March 8-9, 2016.

#### 10. Report of Committees:

- a. Finance Committee – Nothing further to Report
- b. Personnel Committee – Nothing further to Report
- c. Insurance Committee – Nothing further to Report



- d. Operating Committee – Nothing further to Report
  - e. Strategic Plan Subcommittee – During the Work Session Commissioner Kasparian presented to the Board the idea of creating a Task Force for the pursuit of sewer expansion within the Township of Wyckoff. The Commissioners at the Work Session are in favor of the creation of a task force. Chairman Chewcaskie asked Commissioner Kasparian to develop an outline of who and how many members would be on the task force. Commissioner Kasparian indicated at this time the task force should include 2 Commissioners, Commissioner DePhillips and Commissioner Gabbert, Wyckoff's administrator, Bob Benecke-the Authority's financial advisor, Boswell Engineering and members of the Wyckoff community. He also expressed interest in using this task force model in other communities for expansion if it is successful in Wyckoff. At this time, Commissioner Kasparian will submit an outline to the Chairman and then the Board will discuss it further.
  - f. Building and Grounds Committee – Nothing further to Report
  - g. Safety and Security Committee – It was noted in the Work Session that the Authority is waiting for the engineer's report regarding the 2017 Security Upgrades.
  - h. Intellectual Technology Committee – Nothing further to report
11. Report of Treasurer – Short term investments – Approximately \$1.4 million is being held at TD Bank in lieu of fees. Approximately \$1 million is being held at TD Bank at a rate of 0.10%; approximately \$3.4 million is being held at Bank of New Jersey at a rate of 0.5%. Approximately \$2.4 million is being held at Sussex Bank at rates of 0.40% to 0.55% and approximately \$2.4 million is being held at Santander Bank at 0.45% to .5%.
12. Report of Counsel – Nothing further to Report.
13. Report of Engineer – The monthly engineer's report was submitted to the Board. The 2016 EIT project documents are being finalized and will be forwarded to Mr. Genetelli and Mr. Hurwitz for final review and approval. T&M is proceeding with design of the 2017 EIT Projects for a March 4<sup>th</sup> Submittal date. They will be forwarded to the Authority for review and comment.
14. Report of Executive Director – Nothing further to Report.
15. Old Business: No old business.
16. New Business: No new business.
17. Public Comments: No public Comments

18. Adjournment: Commissioner Gabbert made a motion to adjourn the Regular meeting at 8:09pm. Commissioner Kelaher seconded the motion. All present Commissioners voted in favor of ending the meeting at 8:09pm.

  
ALISON GORDON, SECRETARY