



**MINUTES
REORGANIZATIONAL MEETING
FEBRUARY 1, 2011**

1. **The Vice-Chairman called the Reorganization Meeting to order at 7:03 p.m... The Work Session was to follow.**
2. **The Vice-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: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaher, Plumley, Rotonda and Shafron.**
5. **Salute to the Flag was led by the Vice-Chairman.**
6. **Chairman’s remarks. The Chairman thanked everyone for coming out for the meeting.**
7. **Approval of Minutes – Regular Meeting of Jan. 4, 2011. Commissioner Rotonda made a motion to accept the minutes as presented and seconded by Commissioner Kelaher. All Commissioners present voted in favor of accepting the minutes except Commissioners Chewcaskie who abstained.**
8. **Election of Officers – Report was given by Commissioner Kelaher**
 - a) **Report of Nominating Committee – The Nominating Committee has met and reported that they nominate Commissioner Dator 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 Kelaher moved the nomination of Chairman, seconded by Commissioner Shafron. All Commissioners voted in favor of Commissioner Dator as Chairman.**
 - c) **Election of Vice-Chairman for ensuing year – There were no other nominations for the slate at this time. Commissioner Kelaher moved the nomination of Vice-Chairman, seconded by Commissioner Chewcaskie. All Commissioners voted in favor of Commissioner Kasparian as Vice-Chairman.**
9. **Consideration for approval – list of Resolutions dated February 1, 2011. The Chairman noted that he would like to go into Closed Session at this**

time.

Commissioner Kasparian made a request before going into Closed Session for the record and made a statement with regards to the selection process for the Request for Qualifications. He stated that Joseph Ariyan approached him some time ago and told him that he intended to pursue the Counsel professional services. He was going to submit his qualifications to this body to be considered as Counsel. Commissioner Kasparian informed Mr. Ariyan that he wished him well but told him that as a consequence of their relationship, to the extent that they own some real estate together, that he would be recused from voting for him and would also be recused ethically from speaking to anybody with regard to whether or not they should or should not vote for him. He wanted it on the record that he did not participate in any conversation with anyone at the table with regard to whether or not Mr. Ariyan should or should not be selected or whether our current counsel should continue in that capacity. If anyone at the table believes that that is not the case, please speak up now because he would like to make sure that the record is clear. Commissioner Kasparian noted that he would not participate in the conversation in Closed Session either, as it pertains to that particular selection. He will step out and requested the Chairman to discuss that particular professional services contract first and when finished have someone get him to participate in the balance of the discussions. As far as going back into open session for the vote he will be there for it but will just recues himself.

Commissioner Kasparian made one more statement that he does not think that any of the participants who submitted their qualifications stepped over any bounds. He believes that all parties were within their rights to submit their applications and believes that this body has a fiduciary responsibility to consider each on their own merits and make a vote for or against.

Commissioner Chewcaskie moved and read the Resolution to go into Closed Session in its entirety, (copy of Resolution attached): Authorization to Hold Closed Session dealing with pending or anticipated litigation, contract negotiations or matters falling within the attorney-client privilege. Resolution was seconded by Commissioner Rotonda. All Commissioners present voted in favor of the Resolution.

The Commissioners went into Closed Session at 7:12 p.m.to discuss Resolutions No.10-2011 to 16-2011. Commissioner Kasparian entered Closed Session at 7:52 p.m. and the Commissioners returned to open Session at 8:05 p.m. and proceeded with Committee Reports.

Commissioner Chewcaskie made a motion to accept the Resolutions #07-2011 thru #09-2011; #17-2011 thru #21-2011 by consent. Seconded by Commissioner Shafron. All Commissioners present voted in favor of these Resolutions. Commissioner Rotonda abstained on all payments to Vendor #1067 on Resolution #07-2011.

Resolution #07-2010. Approval of vouchers, payroll transfers, payroll tax Deposits and pensions & benefits transfers for Jan. 2011. Payroll Account

\$211,727.13; Tax Deposit Account \$84,109.75; PERS and Contributory Insurance \$20,121.35; Health Benefits, \$86,369.06; Dental Benefits \$4,824.90; DCRP Employee Contribution \$22.92; DCRP Employer Contribution \$12.50; Operating Account \$380,998.58; Improvement Account \$1,070.14; 2009A Project Account \$26,040.79.

Resolution #08-2010. 2011 Schedule of Meetings. Approval of Meeting Calendar for 2011.

Resolution #09-2011. Authority's official Newspapers for 2011. Approval Of The Record and Ridgewood News as the Official newspapers for the Authority for 2011.

Resolution #17-2011. Transfer of Scott Nye from Maintenance Mechanic to O&M Helper effective Jan. 17, 2011.

Resolution #18-2011. Authorization for Purchasing Agent to purchase goods or services from approved New Jersey State Contract Vendors for 2011.

Resolution #19-2011. Continued participation in the Bergen County Blood borne Pathogen Compliance Program for 2011.

Resolution #20-2011. Authorization for Executive Director to enter into a professional services contract with Valley Health Medical Group regarding the coordination and conduct of alcohol and drug testing services for 2011.

Resolution #21-2011. Award bid, Contract #253B, Air Distribution System Repairs for Niro Incinerator to Iron Hills Construction, Inc. the low bidder.

Resolution #10-2011. Appointment of Auditors for 2011. Resolution was offered by Commissioner Chewcaskie to award the appointment to the firm of Lerch, Vinci & Higgins, LLP; seconded by Commissioner Kelaher. All Commissioners present voted in favor of the resolution except Commissioner Shafron who abstained.

Resolution #11-2011. Appointment of Bond Counsel for 2011. Resolution was offered by Commissioner Shafron to award the appointment to Gibbons, P.C.; seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of the resolution except Commissioner Kasparian who abstained.

Resolution #12-2011. Appointment of General Counsel for 2011. Resolution was offered by Commissioner Shafron to award the appointment of General Counsel to Kaufman, Bern, Deutsch and Leibman; seconded by Commissioner Plumley. All Commissioners present voted in favor of the resolution except Commissioner Kasparian who abstained/recused and Commissioners Dachnowicz and Kelaher who voted no.

Resolution #13-2011. Appointment of Consulting Engineer for 2011. Resolution was offered by Commissioner Shafron to award the appointment of Consulting Engineer to T&M Associates; seconded by Commissioner Dachnowicz. All Commissioners present voted in favor of the resolution except Commissioner Rotonda who abstained.

Resolution #14-2011. Appointment of Consulting Engineer for Service Charges for 2011. Resolution was offered by Commissioner Chewcaskie to award the appointment to Tighe & Bond; seconded by Commissioner Kelaher. All Commissioners present voted in favor of the resolution.

Resolution #15-2011. Appointment of Public Relations Consultant for 2011. Commissioner Chewcaskie made a motion to Table this resolution; seconded by Commissioner Shafron. This Resolution was Tabled.

Resolution #16-2011. Appointment of Risk Manager for 2011. Resolution was offered by Commissioner Shafron to appoint Brown & Brown as Risk Managers; seconded by Commissioner Dachnowicz. All Commissioners present voted in favor of the resolution except Commissioner Kasparian who abstained.

Motion No.1. Motion to approve change order #1 (Final) for Contract #252 Ho-Ho-Kus Pump Station Upgrades in the credit amount of \$6,282.00 as prepared by T&M Associates was made by Commissioner Chewcaskie, seconded by Commissioner Dachnowicz. All Commissioners present voted in favor of the Motion except Commissioner Rotonda who abstained.

Motion No.2. Motion to approve Executive Director Hurwitz's attendance at the AEA Utility Management Conference in Atlantic City, March 8 – 9, 2011 was made by Commissioner Rotonda, seconded by Commissioner Shafron. All Commissioners present voted in favor of the motion

10. Reports of Committees.

- a. **Finance Committee – Nothing to report.**
- b. **Personnel Committee – There is a Resolution on the agenda for a title change for Scott Nye.**
- c. **Insurance Committee – There is a Resolution on the agenda to appoint a Risk Manager for 2011 which was voted on with the Resolutions.**
- d. **Operating Committee – The Committee met on Jan. 26, 2011. The report that was prepared for the Committee meeting is attached and made a part of these minutes. The most important thing that we have to deal with this evening is that we took bids on the Incinerator rebuild. The low bidder was Iron Hills Construction of Wayne, New Jersey. We received an analysis of**

the bids from Counsel and they were in appropriate form. The recommendation from both Counsel and the Engineer were to award the contract to the low bidder.

Commissioner Rotonda questioned that we had three bids and the one bid was too late and he questioned it because the range of the two bids were so wide, \$2.5 million and \$4 million. It was explained by the Executive Director that the low bid was right in line with the engineers estimate. Since this is a specialized work Commissioner Chewcaskie noted that Iron Hills Construction had just recently completed work at Two Bridges in Lincoln Park and there was an issue with one of the subs which according to their attorney was taken care of. The Committee is recommending the award.

The Executive Director noted that the funding for this project is through the New Jersey Environmental Infrastructure Trust and the Resolution will state that the award is contingent on approval from the DEP. Once it is approved by the DEP the Trust will come in and review the process for requisitioning the money.

e. Buildings & Grounds – Nothing to report.

11. Officers Reports:

a. Treasurer – Approximately \$8.4 million in short term investments about a third of which are at Bank of New Jersey at 1.50% the balance is at TD Bank with rates ranging from .05% to .1%.

b. Counsel – The nitrate permit limit is still in limbo. We don't know if we have a stay on that new standard or not. Counsel faxed a memo to the Executive Director today of a conversation he had with the case officer at the DEP that he is waiting for his superiors to make a decision. The Executive Director said there was a phone call today from John Hall of Hall Associates that they spoke to the DEP and hopefully they were going to get a response by 2:30 today which didn't happen. They know they have to make a decision. There is a problem throughout the state because of this limit.

Reviewed the Bids for the Incinerator rebuild and bid procedure.

Connection fee research. There is an issue of whether a public body is exempt from paying the connection fee. There is no report at this time.

Worked on various personnel matters.

c. Engineers – The Chairman and Executive Director discussed having the Engineer attend the meeting and since it was not going to be a detailed meeting he felt it wasn't necessary for him to attend. The Executive Director gave his report.

Still waiting to resolve some issues on Franklin Lakes. The issue is the project is being held up by DEP because they claim that Franklin Lakes does not have a storm management plan in place. Franklin Lakes Engineer, Boswell, says that they do have a plan in place but it turned out that the plan they have is out of date. They are going to update the report which will take a few weeks.

The Scum Trough replacement is okay.

The Annual Report is in progress. All information has been supplied by the staff to T&M.

12. **Report of Executive Director. The Committed Flow was distributed to everyone. The flow for December averaged 3.5 million gallons a day. We are still at 60% of capacity. We added 12 connections for all of 2010.**

The Meeting Schedule was approved by Resolution tonight along with the appointment of the official Newspapers for 2011.

The Executive Director and Commissioner Dachnowicz had a meeting a few weeks ago with Waldwick's council in a work session. There were several newspaper articles in the Villadom times and the Suburban News. They thought the reports were fair but in general the issues discussed were the process of Authority Budgets, odor control and infiltration. An overview of the meeting was there is absolutely no question that for every gallon of potable water that the residents of Waldwick use, they produce by meter, much more sewage than anybody else. It is a real issue of infiltration. The Tighe & Bond report of service charges made a point that last year was a very unusual year. A very wet spring and than very dry. If you take all the potable water in our system except for Waldwick, and all the sewage produced in the last six months of the year, they are the same number. It is Waldwick bringing the water in and there is a real issue of I&I. They are aware of the issue. We are doing an analysis to make sure there is nothing wrong with the meters. We are bound by a court decision from 1984 on the formula to use on calculating the service charges. Only 60% of their bill depends on how much sewage they have. The other 40% is the number of households and the amount of water they use.

13. **Report of Superintendent – Everything is in conformance.**
14. **Old Business – Nothing to report.**
15. **New Business – Nothing to report.**
16. **Public comments (on subject 6 through 15).**

Joseph Ariyan, 3 Windsor Court, Saddle River. He wanted to thank everyone for considering his application for Counsel. He noted that it has been a pleasure serving on the board since 2006. He is disappointed but he


cares about the Authority and he knows that everyone does. He just wanted to thank everyone.

The Chairman recognized Ed Trawinski, County Administrator as part of the public and asked if he had any comments to make.

Only comments were to spend as little as possible and keep the rates down. To follow Commissioner Kasparians' lead and increase the usage of the facility by bringing in Oakland and Franklin Lakes.

The Chairman asked if there were any other members of the public with any comments. There were no other comments and the public comment session was closed.

- 17. Adjournment. A Motion to adjourn the meeting was made by Commissioner Chewcaskie, seconded by Commissioner Rotonda. All Commissioners were in favor of adjourning the meeting at 8:46 p.m.**


Madeline Thumudo
Madeline Thumudo, Secretary

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

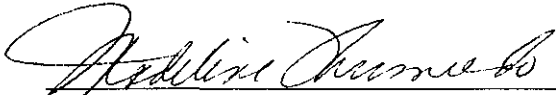
I, Madeline Thumudo, Secretary of the Northwest Bergen County Utilities Authority, do hereby CERTIFY THAT at 4:30 p.m. Wednesday, January 25, 2011, the notice of the REORGANIZATIONAL MEETING of said Authority to be held on February 1, 2011 immediately following the Work Session at 7:00 o'clock p.m. in the offices of the Authority located at 30 Wyckoff Avenue in Waldwick, New Jersey was e-mailed and/or deposited in the United States Post Office in Waldwick, New Jersey addressed to each of the following at known addresses:

Commissioners:

**Brian Chewcaskie
Peter Dachnowicz
William F. Dator
Michael Kasparian
Frank Kelaher
Marion Plumley
Nicholas Rotonda
Jason Shafron**

Notice of the Reorganizational Meeting was:

- a) **Posted in a public place.**
- b) **Mailed to two newspapers designated by the Commissioners of the Northwest Bergen County Utilities Authority to receive such notice, Namely, THE RECORD and THE RIDGEWOOD NEWS, both Published in Hackensack, New Jersey.**
- c) **Filed with the Clerk of the County of Bergen.**
- d) **Mailed to all MEMBER TOWNS.**


Madeline Thumudo, Secretary