



**MINUTES
REGULAR MEETING
MAY 1, 2012**

1. The Chairman called the Meeting to order at 7:37 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, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Dator.
4. Salute to the Flag. The Flag was saluted in the Special Meeting.
5. Chairman's remarks. The Chairman asked whether all Commissioners had received copies of the letter of resignation of Commissioner Shafron. The Chairman had no further remarks at this time.
6. Approval of Minutes.

Regular Meeting – Apr. 3, 2012. Commissioner Kelaher made a motion to approve the minutes as presented, seconded by Commissioner Chewcaskie. All Commissioners present voted in favor of approving the minutes as presented.

7. Public Comments. No public present except County Counsel.
8. Authorization to go into Closed Session to discuss pending and/or anticipated litigation.

Counsel Zenn pointed out that we have had pending litigation and that there is a motion to go into closed session to discuss the various matters that are pending concerning the Authority.

Commissioner Chewcaskie moved to go into closed session setting forth the purposes; the appeal to the local finance board from the order issued by the Director of Local Government Service, the County Executives purported termination of seven of the Commissioners, the filing of the order to show cause by the Authority against the County Executive and adoption by the Freeholders of Resolution #562-12 and the lawsuit filed by the County Executive against the Authority and seven of its Commissioners individually. Seconded by Commissioner Kelaher. All Commissioners present voted in favor of going into closed session at 7:40 p.m.

The Commissioners went back into the Public Meeting at 8:30 p.m.

9. **Consideration for approval list of Resolutions attached dated May 1, 2012. Counsel noted that there was a lengthy conversation about some pending litigation and the Resolution distributed concerning that litigation. Feels it would be appropriate to have the Commissioners consider that resolution.**

Commissioner Chewcaskie stated that Resolution #40-2012 is the Resolution and feels it should be voted on separately if the Chairman agrees.

All Resolutions had been discussed during the work session.

Commissioner Chewcaskie moved Resolutions #35-2012 thru #37-2012 and #39-2012.

Commissioner Chewcaskie noted that any part of the payroll included in Resolution #35-2012, Approval of vouchers, payroll and tax deposits, dealing with salary of Commissioners should not be paid. Direct deposits should be discontinued and payroll checks should be held at the Authority until there is an order of the court or further review of the matter that is pending in litigation, in order to comply with the law.

On Resolution #37-2012 Acceptance of Audit. Commissioner Gabbert questioned if everything was changed in the Audit that was requested of the Auditors. The Chairman noted that everything that was reviewed at the Finance Committee that morning has been changed and that there were no changes in dollar amounts anywhere only verbiage.

The changes that were made were reviewed. Commissioner Gabbert questioned the verbiage in question on the Auditors recommendations that "all Commissioners file the annual financial disclosure statement". He stated that it is an implication that all Commissioners are not filing.

Commissioner Chewcaskie felt that it was a good recommendation made by the auditors.

Commissioner Chewcaskie noted under general comments on page 53 it says that one Commissioner did not file and it is recommended that all file the FDS.

Executive Director suggested that we have the verbiage changed to replace that page. Amend the resolution with whatever changes are warranted. Commissioner Chewcaskie recommended that the auditor revise the recommendations concerning this issue.

Subject to the modification on #35-2012 & #37-2012 Commissioner Chewcaskie amended his motion. Seconded by Commissioner Kelaher. All Commissioners present voted in favor of the Resolutions.

Resolution #35-2012. Approval of Vouchers, Payroll Transfers, Payroll Tax Deposits and Pensions and Benefits Transfers for the month of Apr. 2012 and Health and Dental Benefits for May 2012. Payroll Account \$189,567.28; Tax Deposit Account , \$76,019.51; PERS and Contributory Insurance \$26,133.06; Health Benefits Contribution Employer \$91,848.31; Health Benefits Contribution Employee \$1,364.41; Dental Benefits \$4,524.87; DCRP Employee Contribution \$27.08; DCRP Employer Contribution \$12.50; Operating Account \$580,519.37; 2009A Project Account, \$5,405.59; 2010 WWT Project Account , \$8,870.75.

Resolution #36-2012 Certification of Audit. Certification to the Local Finance Board that each Commissioner has personally reviewed the annual audit report for fiscal year Dec. 2011 and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

Resolution #37-2012 Accept Audit. This is to accept the Audit with the amendment of page #54 dealing with the filing of financial disclosure statements.

Resolution #39-2012 Authorization for the purchase of Energy Generation Services for public use on an online auction website. This is to authorize the participation in an online reverse auction for the purpose of purchasing electricity from third party suppliers for use by the Authority.

Resolution #40-2012 Authorization to File Order to Show Cause against County Executive. This resolution ratifies and confirms the action as directed by the Chairman regarding the order to show cause. This resolution was offered by Commissioner Chewcaskie. Seconded by Commissioner Dachnowicz. All Commissioners present voted to accept the resolution except Commissioners Gabbert and Salazer who abstained.

10. Reports of Committees

A. Finance Committee – Nothing further to report.

B. Personnel Committee – Nothing to report.

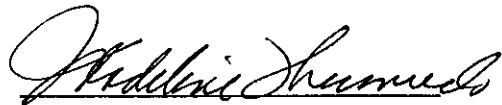
C. Insurance Committee – Nothing to report.

D. Operating Committee – attached written report.

E. Buildings & Grounds – Will be meeting with Superintendent in the next few weeks and will report back at next meeting on recommended security measures.

11. Report of Treasurer – We have \$8.7 million invested in short term investments of which approximately \$1.6 million at TD Bank receiving no interest in lieu of fees. \$1.2 million at TD earning .1%, \$2.5 million at Bank of New Jersey earning 1.25% and \$3.3 million at TD Bank at .09%.

11. **Report of Counsel – A written report was distributed to the Commissioners (copy attached).**
12. **Report of Engineer – A written report was distributed to the Commissioners (copy attached).**
13. **Report of Executive Director – He will contact Franklin Lakes about ground breaking on the sewer main.**
14. **Report of Superintendent – No further report.**
15. **Old Business. No old business.**
16. **New Business. No new business.**
17. **Public comments (on subjects 8 through 17). No public comments.**
18. **Adjournment. Motion to adjourn was made by Commissioner Kasparian, seconded by Commissioner Dachnowicz. All Commissioners present voted to adjourn at 8:45 p.m.**


Madeline Thumudo, Secretary

Northwest Bergen County Utilities Authority
Operating Report April 2012

- 1) Plant Operations – Average plant flows for the month of April dropped to a low of 8.5 mgd prior to the April 22nd rainstorm. March flow averaged about 9 mgd. Flow data before and after the storm will be evaluated. Plant operation continues to be satisfactory.

- 2) Franklin Lakes Interceptor
 - a. Bergen County has requested they be named as an additional obligee on the performance bond for this project. A Dual Obligee Rider to the Bond has been prepared by Underground Utilities Corp (UUC) and will be forward to us for signature. The NBCUA remains the Primary Obligee. The County is named because there are County roads and facilities that may be impacted. The Rider must be executed by the Authority so that the contractor can get his permit from the county and begin test pits.
 - b. Once the Rider is executed, we anticipate it will take another week or two to obtain the permit. Assuming no further hold ups in getting that permit the contractor proposes to mobilize and begin test pits on 5/14.
 - c. T&M will work closely with the contractor to ensure any disturbance of Franklin Ave is rectified before Memorial Day weekend (parade).
 - d. A meeting was scheduled with Franklin Crossing and the contractor this week and after that discussion contractor will be able to finalize an overall schedule. T&M to report.
 - e. Contract Change Order Status – T&M has prepared change order requests for the contractor's estimate. These include small changes in elevation to the interceptor, agreed to with Franklin Lakes, small changes to the pump station design at Franklin Crossing Shopping Center and the installation of piping across Pulis Avenue (during excavation) to accommodate Mountain Shadows Condominium future connection. T&M to provide status.

- 3) I&I Collection System Investigations
 - a. Waldwick – Since Waldwick has completed its sump pump program in the Derby/Woodside pumping station area, program will be redirected. After meeting with the Borough, Boswell Engineering has identified two areas for study of potential I&I; Cambridge Ave neighborhood (tributary to Whites Pond) and 148 unmetered homes from Wyckoff (Van Blarcom Ave to Hickory Lane).
 - b. Allendale – Allendale is looking a sump pump program similar to Waldwick's, but needs to identify likely areas for implementation. Boswell Engineering has suggested wet and dry flow metering in 2 areas to determine the effect of rainfall on flow. NBCUA will assist by providing weekly flow data for the east and west sides of town under wet and dry conditions.

- 4) Sludge Incineration
 - a) Rebuilt Niro Incinerator is scheduled for emission testing in mid May. Final step in contract.
 - b) IDI Incinerator Evaluation – Chevond-Barry has proposed to conduct an engineering investigation and to prepare recommendations concerning the rehabilitation of the IDI incinerator. Budget estimate for the work is \$9,000.

5) Authority Improvement Projects

- a) UV Treatment System – Equipment installation is complete. Startup, training and testing scheduled for early to mid April has been delayed by some required control modifications. Waiting on schedule from manufacturer.
- b) Additional Projects – Aeration air blower improvements are under consideration. T&M has provided a summary of their investigation thus far.

6) Trap Grease Pilot Test Program – NJ DEP has approved a 6 month test program. Manufacturer reports funding for the project is in place, but potential problem with equipment supply. Awaiting revised schedule.

7) Alternate Electric Energy Supply – EMEX, LLC, Houston, TX, has been approved as a vendor, as part of the NJ Local Unit Electronic Technology Pilot Program, to offer its reverse auction platform for the purchase of energy generation services. EMEX has conducted a review of our electric purchases from PSEG and Rockland Electric and has indicated that we can expect a significant saving over our cost last year by entering into a 12 month fixed cost supply contract. In addition, we would be protected from any market upset.

EMEX has forwarded sample supply contracts from several potential suppliers for review by our attorney. An auction is planned for May 1, in advance of our regular meeting. If costs hold, we would expect a resolution to execute contract(s) for electrical purchase from alternate suppliers.

8) Personnel

- a) Training – Administrative staff has been training for **Sunguard Public Sector** financial system which will replace the present system.
- b) Potential Litigation – A former employee has initiated an action to recover past wages. Our labor attorney will report to the Personnel Committee once he has prepared information for a scheduled June settlement conference.

9) Miscellaneous

- a) Connection Fee Hearing – A Special Meeting will be scheduled to coincide with our regular May meeting to approve Connection Fees for 2012. The Connection Fee Study by our Auditor results in about a 4% increase in fee to \$2,070 per EDU.
- b) Annual Audit – Audit has been completed and DRAFT distributed to Finance Committee. Audit is scheduled for approval at the May 1 meeting
- c) Annual Report – The Annual Report is complete and has been issued. Report will be accepted at the May 1 meeting.
- d) Oakland Sewer Update – Awaiting update from Oakland.
- e) Professional Services – MELJIF Risk Manager to be discussed.

SOKOL, BEHOT & FIORENZO
COUNSELLORS AT LAW
CONTINENTAL PLAZA
433 HACKENSACK AVENUE
HACKENSACK, NEW JERSEY 07601

P: 201-488-1300
F: 201-488-6541

www.sbflawfirm.com

LEON J. SOKOL (NJ, NY & FL BAR)
JOSEPH F. BEHOT, JR. (NJ & NY BAR)
JOSEPH B. FIORENZO (NJ & NY BAR)
JEFFREY A. ZENN (NJ & DC BAR)
MICHAEL P. FELTMAN
HERBERT B. BENNETT
NEIL YOSKIN (NJ & PA BAR)

229 NASSAU STREET
PRINCETON, NEW JERSEY 08542-4601
NEIL YOSKIN, PARTNER IN CHARGE
P: 609-279-0900
F: 609-497-2377

One Grand Central Place
60 East 42nd Street
Suite #2527
New York, New York 10165
P: 212-661-2523

STEVEN SIEGEL (NJ & NY BAR)
SUSAN B. BURNS (NJ & NY BAR)
ANTHONY BEDWELL (NJ & CA BAR)
DAVID RUBENSTEIN (NJ, NY & FL BAR)
MATTHEW J. COWAN (NJ, NY & FL BAR)

OF COUNSEL
SCOTT E. REKANT (NJ & PA BAR)

OF COUNSEL FOR MATTERS OF TAXATION
KULZER & DIPADOVA, P.A.

jazenn@sbflawfirm.com

TO: Northwest Bergen County Utilities Authority Commissioners
FROM: Jeffrey A. Zenn
DATE: April 30, 2012
RE: Monthly Counsel Report
CC: Howard Hurwitz, Executive Director
Madeline Thumudo, Administrative Assistant/Board Secretary

The following is a summary of our firm's activities on behalf of the Authority for the previous month.

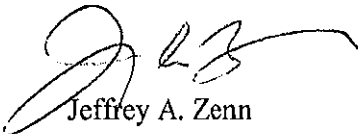
1. File appeal and brief in support of appeal to Local Finance Board from the Order of the Division of Local Government Services. Numerous communication, both written and telephonic, with DAG and Local Finance Board. Receipt and review of brief in opposition from County Counsel to Local Finance Board. Preparation of response to Bergen County's brief to Local Finance Board. Prepare for hearing before Local Finance Board. Communication, both written and telephonic, with County Counsel concerning appeal to Local Finance Board.
2. Preparation and review of request to Freeholders to override County Executive veto. Communication with County Freeholder Counsel re: same.
3. Preparation of notice and agenda for special emergency and regular meetings.
4. Preparation of Resolutions to go into closed session and re-authorize appeal to Local Finance Board.

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5. Legal research and letter to H. Hurwitz concerning SHBP benefits to new members.
6. Preparation of Order to Show Cause, Verified Complaint and Brief seeking injunctive relief against County Executive's termination of Commissioners, veto of appeal authorization and veto of budget. Legal research concerning preparation of brief. Attendance at Judge Carver for return of Order to Show Cause.
7. Receipt and review of County Executive's termination letters.
8. Review reverse auction contract and provide comments to Executive Director re: Commissioner immunity from liability.
9. Attend the Work Session, Public and Operating Committee meetings.
10. Receipt and review of press releases for accuracy.
11. Revise proposed sanitary sewer easement for Inserra Supermarket project.
12. Correspondence and communication with the Chairman and Executive Director concerning all of the foregoing.

If you have any questions, please contact me.

Respectfully submitted,



Jeffrey A. Zenn

NBUA-G1202

April 25, 2012

Mr. William Dator, Chairman
Northwest Bergen County Utilities Authority
30 Wyckoff Avenue at Authority Drive
P.O. Box 255
Waldwick, New Jersey 07463

RECEIVED APR 26 2012

Re: Monthly Report – April 2012

Dear Mr. Dator:

The following is a brief summary of T&M's activities during the month of April.

Franklin Lakes Sewer Project – During the month, the sewer depth revision change order was forwarded to the contractor. Currently, the contractor is reviewing the change order. In addition, we are finalizing a change order for the pump station revisions and will forward that to the contractor for review and execution. Once these change orders are executed by all parties, we will forward to the DEP for approval.

Regarding easements, the Car Wash easement and the Racquet Club easement are under the control of the Authority. A Declaration of Taking has been filed for the Franklin Crossing easement; however, the check has not been filed at this time. The Authority is in the process of working out an agreement with the property owner. T&M met with the Franklin Crossing representatives on April 24, 2012 to discuss schedule, staging, etc. The meeting went well and Underground Utilities has agreed not to perform any utility work in the shopping center parking areas or roadways during the period between November 1, 2012 and January 4, 2013.

During the month, the contractor also initiated work on obtaining the County Road Opening Permit and once that permit is obtained, the contractor will be mobilizing to initiate test pit work on the project.

Annual Report – The final 2012 Annual Report has been forwarded to the Authority. At this time T&M is also coordinating with Authority staff on inspection of manholes on the next interceptor.

Wastewater Management Plan Amendment – A public notice was published in the Star Ledger and official copies of the WMP were distributed to the Bergen County Planning Department, the Bergen County Utilities Authority, and the Ridgewood Water Pollution Control for comment. The public and the above three agencies have 60 days from the date of publication to provide comment. If no comments are received, the DEP can proceed to final notice approval. If comments are received, they will need to be addressed prior to final notice of an approval.

Oakland Sewer Service – During April, there was no further action required of T&M regarding the Borough's efforts to investigate sewer service by NBCUA.



NBUA-G1102
April 25, 2012
Page 2

*Le: Mr. William Dator, Chairman
Northwest Bergen County Utilities Authority*

Re: Monthly Report – April 2012

Ultraviolet Disinfection System Improvements – All UV equipment has been installed and initial testing has been performed. Final startup and training and final performance testing remains to be completed and is tentatively scheduled for the week of April 30, 2012.

Grease Separation Facility Pilot Test – NJDEP has approved the Authority request to proceed with the pilot test of the proposed grease separation facility.

Site Improvements (Paving and Slope Stabilization) – As requested by the Authority, T&M has provided, under separate cover, a construction estimate and engineering fee for the following work:

- Milling and overlay of all roadways within the wastewater treatment plant area.
- Stabilization of slope area northwest of upper roadway between offices and plant headworks.
- Replacement of foundations and light poles along this driveway.

If you have any questions or require additional information, please advise.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Keith W. Henderson', written over a horizontal line.

KEITH W. HENDERSON, P.E.
SR. VICE PRESIDENT

KWH:JJM:scb

cc: Authority Commissioners
Howard Hurwitz, Executive Director
Robert Genetelli, Superintendent
Jeffrey Zenn, Esq.

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