

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by see below

Seconded by _____ **Date** **Apr. 9, 2013**

CONSENT RESOLUTION

RESOLVED,

BE IT RESOLVED, that the following Consent Resolution herewith listed having been considered by the Commissioners of this Authority be and are hereby passed and approved.

- 25-2013. Approval of vouchers, payroll and tax deposits.**
- 26-2013. Qualification of Individuals/Firms for Provision of Legal Services.**
- 27-2013. Resolution engaging the services of Douglas M. Bern, Esq. And the law firm of Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP to provide the legal professional services required for the Franklin Lakes Sanitary Sewer Project.**
- 28-2013. Approving the payment of Commissioner Salaries and Health Benefits.**
- 29-2013. Salary action for non-bargaining employees**
- 30-2013. Authorization to initiate condemnation proceedings for an easement over 16 Sheri Drive, Allendale, N.J.**

Consent Resolution for 25-2013 to 27-2013 and 29-2013 and 30-2013.

Offered by Commissioner DePhillips, seconded by Commissioner Kelaher.

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert, Kelaher, Plumley and Salazer.

Absent: Commissioners Chewcaskie and Kasparian

Reso.#28-2013 offered by Commissioner Kelaher, seconded by Commissioner Dachnowicz.

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, Gabbert, Kelaher, Plumley, Salazer.

Nayes: Commissioner DePhillips

Absent: Commissioners Chewcaskie, Kasparian

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by Commissioner DePhillips

No. 25-2013.

Seconded by Commissioner Kelaher

Date Apr. 9, 2013

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

RESOLVED,

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 Pension & Benefits transfers for the month of Mar. 2013 and Health and Dental Benefits transfers for Apr. 2013; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pension and Benefits, and Health and Dental Benefits transfers listing 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, Pension & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated Apr. 9, 2013 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT:	PAYROLL ACCOUNT
NET PAYROLL:	\$179,383.23

ACCOUNT:	TAX DEPOSIT ACCOUNT
TOTAL:	\$86,497.15

ACCOUNT:	PERS AND CONTRIBUTORY INSURANCE
TOTAL TRANSFER:	\$ 27,465.20

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RESOLUTION**

Offered by: Commissioner DePhillips

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Seconded by: Commissioner Kelaher

Date: Apr. 9, 2013

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYER
TOTAL TRANSFER: \$ 96,764.81

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYEE
TOTAL: \$ 2,435.66

ACCOUNT: DENTAL BENEFITS
TOTAL TRANSFER: \$ 4,393.89

ACCOUNT: DCRP - EMPLOYEE - MAR.
TOTAL TRANSFER: \$ 68.76

ACCOUNT: DCRP - EMPLOYER - MAR.
TOTAL TRANSFER: \$ 37.50


ACCOUNT: OPERATING ACCOUNT
TOTAL: \$324,911.71

ACCOUNT: GENERAL IMPROVEMENT ACCOUNT
TOTAL: \$ 21,007.82

ACCOUNT: 2009A PROJECT ACCOUNT
TOTAL: \$ 730.00

ACCOUNT: 2010 PROJECT ACCOUNT
TOTAL: \$ 7,466.00

ACCOUNT: 2012 WWT PROJECT ACCOUNT
TOTAL: \$ 40,596.67


SECRETARY


CHAIRMAN PRO TEM

Roll Call: AYES: Commissioners Dachnowicz, DaPuzzo, DePhillips,
Gabbert, Kelaher, Plumley, Salazer
NAYES: None
ABSENT: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 26-2013

Seconded by Commissioner Kelaheer

Date: April 9, 2013

QUALIFICATION OF INDIVIDUALS/FIRMS FOR PROVISION OF LEGAL SERVICES

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") has adopted the fair and open process pursuant to N.J.S.A. 19:44A-20.4 with respect to the retention of the following professional:

LEGAL SERVICES 2013

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on **March 22, 2013**; and

WHEREAS, the Authority received responses to the Request for Qualifications for the aforementioned position by the deadline date of **April 2, 2013** from the following Individuals/Firms:

- Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP – Fort Lee, NJ
- Waters, McPherson, McNeill – Secaucus, NJ

and

WHEREAS, the Authority convened to evaluate the Request for Qualifications; and

WHEREAS, the Authority structured a competitive procurement process that sought to assure that each person and/or firm was provided an equal opportunity to submit a Qualification Statement in response to the Statements for Request for Qualifications; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 26-2013 p. 2

Seconded by Commissioner Kelaher

Date: April 9, 2013

QUALIFICATION OF INDIVIDUALS/FIRMS FOR PROVISION OF LEGAL SERVICES

WHEREAS, the Authority intended to qualify persons and/or firms that: (i) possessed the professional, financial and administrative capabilities to provide the proposed legal services, and (ii) would agree to work under the compensation, terms and conditions determined by the Authority to provide the greatest benefit to the ratepayers of the Authority's service area; and

WHEREAS, pursuant to Section 5 of the Authority's Request for Qualifications, the Authority's objective was to select organizations or individuals that would provide high quality and cost effective services to the citizens served by the Authority; and

WHEREAS, pursuant to Section 5 of the Authority's Request for Qualifications, the Authority applied its selection criteria and evaluated the proposals based upon the most advantageous submission, with the following factors being considered: (i) experience and reputation in the field; (ii) knowledge of the Authority and the subject matter addressed under the contract, (iii) availability to accommodate the required meetings of the Authority; and (iv) other factors demonstrated to be in the best interest of the Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby designates the following individuals/firms as Qualified to provide Legal Services to the Authority

- Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP – Fort Lee, NJ
- Waters, McPherson, McNeill – Secaucus, NJ

for the twelve month term commencing on the date of this resolution; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 26-2013 p. 3


Seconded by Commissioner Kelaher

Date: April 9, 2013

QUALIFICATION OF INDIVIDUALS/FIRMS FOR PROVISION OF LEGAL SERVICES

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all members of all Commissioners of the Authority eligible to vote at a regular meeting held on April 9, 2013.


SECRETARY


CHAIRMAN PRO TEM

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips,
Gabbert, Kelaher, Plumley, Salazer
Nays: None
Absent: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by: Commissioner DePhillips

No. 27-2013

Seconded by: Commissioner Kelaher

Date: April 9, 2013

RESOLUTION ENGAGING THE SERVICES OF DOUGLAS M. BERN, ESQ. AND THE LAW FIRM OF KAUFMAN, SEMERARO, BERN, DEUTSCH & LEIBMAN, LLP. TO PROVIDE THE LEGAL PROFESSIONAL SERVICES REQUIRED FOR THE FRANKLIN LAKES SANITARY SEWER PROJECT (Project No. S-340700-09)

WHEREAS, the Northwest Bergen County Utilities Authority ("the Authority") is in the process of expanding its sanitary sewer collection system to include areas of the Borough of Franklin Lakes (hereinafter referred to as the "Project"); and

WHEREAS, the Authority presently has a Professional Services Agreement with Douglas M. Bern of the law firm of Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP (KSBDL) to serve as Special Counsel to the Authority providing legal services in connection with the Project; and

WHEREAS, KSBDL has been providing these services to the Authority since the Project's inception; and

WHEREAS, KSBDL has responded to a Request for Qualifications ("RFQ") issued by the Authority; and

WHEREAS, the Authority has reviewed the response to the Authority RFQ; and

WHEREAS, the Authority has determined that, given its long experience working on the Project, KSBDL is qualified to provide legal services to the Authority in connection with the Project; and

WHEREAS, the Authority has determined that, given its long experience working on the Project, KSBDL is qualified to provide the most cost-effective legal services to the Authority in connection with the Project; and

WHEREAS, KSBDL has proposed to perform these required legal services on a time and material basis at an hourly rate of \$150 at a not to exceed cost of \$60,000; and

WHEREAS, the Authority has determined that it is in its best interest to extend the existing Professional Services Agreement for an additional year;

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

1. The Executive Director of the Authority is authorized to execute the necessary documents to extend the existing Professional Services Agreement with Douglas M. Bern of the law firm of Kaufman, Semeraro, Bern, Deutsch & Leibman, LLP

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No.27-2013 pg. 2

Seconded by Commissioner Kelaheer


Date: Apr. 9, 2013

**RESOLUTION ENGAGING THE SERVICES OF DOUGLAS M. BERN,
ESQ. AND THE LAW FIRM OF KAUFMAN, SEMERARO, BERN,
DEUTSCH & LEIBMAN, LLP. TO PROVIDE THE LEGAL
PROFESSIONAL SERVICES REQUIRED FOR THE FRANKLIN LAKES
SANITARY SEWER PROJECT (Project No.S-340700-09)**

2. to provide the Legal Services required for the Franklin Lakes Sanitary Sewer Project (Project No. S-340700-09); and
3. **BE IT FURTHER RESOLVED**, that the Secretary is hereby directed to cause notice to be published as required by law.



CHAIRMAN PRO TEM



SECRETARY

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips,
Gabbert, Kelaheer, Plumley, Salazer
Naves: None
Absent: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kelaher

No. 28-2013.

Seconded by Commissioner Dachnowicz

Date: April 9, 2013

**APPROVING THE PAYMENT OF COMMISSIONER SALARIES AND HEALTH
BENEFITS**

WHEREAS, the Bergen County Board of Freeholders, by Resolution #1979-31, authorized the payment of \$5,000.00 per year salary to the Commissioners of the Northwest Bergen County Utilities Authority; and

WHEREAS, the Authority has since then paid its Commissioners an annual salary; and

WHEREAS, the Authority pays for health benefits for all of its employees through the New Jersey State Health Benefits Program ("SHBP"); and

WHEREAS, the Municipal and County Utilities Authority Law provides that no reduction in compensation shall be effective as to any Commissioner of the Authority then in office; and

WHEREAS, Commissioners appointed after May 21, 2010 are no longer entitled to health benefits under the SHBP; and

WHEREAS, Commissioners appointed after April 18, 2012, are no longer entitled to salary pursuant to Bergen County Freeholder Resolutions #562-12 and #1158-12.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority authorize the payment of salaries and health benefits to those Commissioners eligible for such payments or benefits; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kelaher

No.28-2013 pg. 2

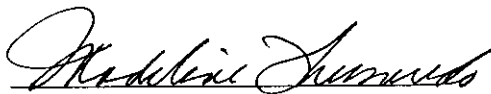
Seconded by Commissioner Dachnowicz

Date: Apr. 9, 2013

**APPROVING THE PAYMENT OF COMMISSIONER SALARIES AND HEALTH
BENEFITS**

FURTHER RESOLVED, that payment of salaries and health benefits to those Commissioners eligible for such payments is authorized for the remainder of calendar year 2013, consistent with the Authority's usual schedule of periodic payments of salaries and benefits.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 9, 2013.


SECRETARY


CHAIRMAN PRO TEM

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, Gabbert, Kelaher,
Plumley, Salazer
Nayes: Commissioner DePhillips
Absent: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 29-2013

Seconded by Commissioner Kelaher

Date: Apr. 9, 2013

SALARY ACTION FOR NON-BARGAINING EMPLOYEES

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that all Non-Bargaining Unit employees of the Authority shall be provided with a one and one half percent (1.5%) salary increase effective Jan. 1, 2013.

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).

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all members of all Commissioners of the Authority eligible to vote at a regular meeting held on April 9, 2013.



SECRETARY



CHAIRMAN PRO TEM

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips,
Gabbert, Kelaher, Plumley, Salazer
Nays: None
Absent: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner DePhillips

No. 30-2013.

Seconded by Commissioner Kelaher

Date: April 9, 2013

**AUTHORIZING INITIATION OF CONDEMNATION PROCEEDINGS FOR AN
EASEMENT OVER 16 SHERI DRIVE, ALLENDALE, NEW JERSEY**

**WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority")
has the power to condemn real property pursuant to N.J.S.A.40:14B-20; and**

**WHEREAS, the Authority has a meter in the Valentine Brook (a/k/a Ho-Ho-Kus
Brook) which is currently operated on battery power, which requires constant monitoring
and changing of batteries to ensure that the meter is operating properly; and**

**WHEREAS, there is a utility pole in front of the property located along 16 Sheri
Drive, Allendale, New Jersey (Block 101, Lot 30) (the "Property"); and**

**WHEREAS, an easement over the Property would provide appropriate access to
the Valentine Brook in order to run an electrical wire to power the meter in accordance
with the easement depiction set forth on Exhibit "A" attached (the "Easement Area");
and**

**WHEREAS, the Authority has engaged the services of McNerney & Associates to
perform an appraisal of the fair market value of the Easement Area; and**

**WHEREAS, McNerney & Associates has placed a fair market value on the
Easement Area of \$27,200 in accordance with Exhibit "B" attached hereto.**

NOW, THEREFORE, BE IT

**RESOLVED, that the Commissioners of the Northwest Bergen County Utilities
Authority authorize the offering of payment to the owners of the Property of up to
\$27,200 for an easement over the Easement Area; and**

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by **Commissioner DePhillips**

No. 30-2013.

Seconded by **Commissioner Kelaher**

Date: April 9, 2013

**AUTHORIZING INITIATION OF CONDEMNATION PROCEEDINGS FOR AN
EASEMENT OVER 16 SHERI DRIVE, ALLENDALE, NEW JERSEY**

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") has the power to condemn real property pursuant to N.J.S.A.40:14B-20; and

WHEREAS, the Authority has a meter in the Valentine Brook (a/k/a Ho-Ho-Kus Brook) which is currently operated on battery power, which requires constant monitoring and changing of batteries to ensure that the meter is operating properly; and

WHEREAS, there is a utility pole in front of the property located along 16 Sheri Drive, Allendale, New Jersey (Block 101, Lot 30) (the "Property"); and

WHEREAS, an easement over the Property would provide appropriate access to the Valentine Brook in order to run an electrical wire to power the meter in accordance with the easement depiction set forth on Exhibit "A" attached (the "Easement Area"); and

WHEREAS, the Authority has engaged the services of McNerney & Associates to perform an appraisal of the fair market value of the Easement Area; and

WHEREAS, McNerney & Associates has placed a fair market value on the Easement Area of up to \$27,200 in accordance with Exhibit "B" attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority authorize the offering of payment to the owners of the Property of up to \$27,200 for an easement over the Easement Area; and

FURTHER RESOLVED, that if the owner of the Property does not accept the offer and the easement cannot be acquired through negotiations, then the Authority authorizes its general counsel to initiate procedures to condemn the easement for the benefit of the Authority.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 9, 2013.


SECRETARY



CHAIRMAN PRO TEM

As Amended:

Roll Call: Ayes: Commissioners Dachnowicz, DaPuzzo, DePhillips, Gabbert, Kelaher, Plumley, Salazer

Nays: None

Absent: Commissioners Chewcaskie, Kasparian

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

MOTION

NO. 1

OFFERED BY: COMMISSIONER DACHNOWICZ

SECONDED BY: COMMISSINER GABBERT

DATE: APRIL 9, 2013

MOTION TO ACCEPT THE 43rd ANNUAL REPORT AS PREPARED BY T & M ASSOCIATES.

**ROLL CALL: AYES: COMMISSIONERS DACHNOWICZ, DAPUZZO,
DEPHILLIPS, GABBERT, KELAHER, PLUMLEY,
SALAZER**

NAYES: NONE

ABSENT: COMMISSIONERS CHEWCASKIE, KASPARIAN

Motion to accept annual report