

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by: Commissioner DaPuzzo

No. CS-JULY-2013

Seconded by: Commissioner Kelaheer

Date: July 9, 2013

**AUTHORIZATION TO GO INTO CLOSED SESSION TO DISCUSS PENDING
AND POTENTIAL LITIGATION**

WHEREAS, the meetings of the Commissioners of the Northwest Bergen County Utilities Authority (the "Authority") are subject to the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq. ("OPMA"); and

WHEREAS, in accordance with the OPMA, the Authority may exclude the public from that portion of any meeting in which the Commissioners discuss pending and/or anticipated litigation in which the Authority is or may become a party or any matters falling within the attorney/client privilege; and

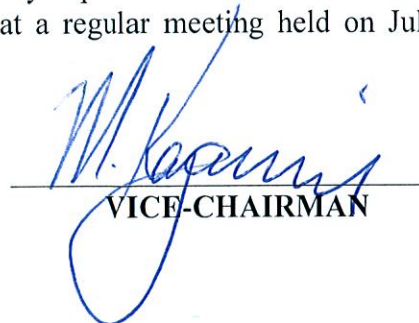
WHEREAS, the Commissioners wish to review and discuss the claims made by some member municipalities to the Authority's bond reserves and other surplus monies.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority go into closed session to discuss pending and/or anticipated litigation over the matters set forth above; and be it

FURTHER RESOLVED, that the matters to be discussed in closed session may be disclosed to the public at a time in the future when these issues have been resolved and such disclosure will not harm 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 July 9, 2013.


SECRETARY


VICE-CHAIRMAN

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

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by Commissioner DaPuzzo

No. 40-2013.

Seconded by Commissioner DePhillips

Date July 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 June 2013 and Health and Dental Benefits transfers for July 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 July 9, 2013 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT:	PAYROLL ACCOUNT
NET PAYROLL:	\$217,479.76

ACCOUNT:	TAX DEPOSIT ACCOUNT
TOTAL:	\$108,958.56

ACCOUNT:	PERS AND CONTRIBUTORY INSURANCE
TOTAL TRANSFER:	\$ 27,802.30

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
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No. 40-2013. page 2

Seconded by: Commissioner DePhillips

Date: July 9, 2013

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYER
TOTAL TRANSFER: \$ 94,979.09

ACCOUNT: HEALTH BENEFITS CONTRIBUTION EMPLOYEE
TOTAL: \$ 2,607.10

ACCOUNT: DENTAL BENEFITS
TOTAL TRANSFER: \$ 4,325.27

ACCOUNT: DCRP - EMPLOYEE - JUNE
TOTAL TRANSFER: \$ 45.84

ACCOUNT: DCRP - EMPLOYER - JUNE
TOTAL TRANSFER: \$ 25.00

ACCOUNT: OPERATING ACCOUNT
TOTAL: \$338,218.36


ACCOUNT: GENERAL IMPROVEMENT ACCOUNT
TOTAL: \$ 18,000.00

ACCOUNT: 2009A PROJECT ACCOUNT
TOTAL: \$125,598.85

ACCOUNT: 2012 WWT PROJECT ACCOUNT
TOTAL: \$318,905.47



SECRETARY



VICE-CHAIRMAN

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

NORTHWEST BERGEN UTILITIES AUTHORITY

RESOLUTION

Offered by: Commissioner DaPuzzo

No. 41-2013

Seconded by: Commissioner DePhillips

Date: July 9, 2013

CANCELLATION OF AUGUST MEETINGS

RESOLVED,

WHEREAS, it has been determined by the Commissioners of the Northwest Bergen County Utilities Authority that no meetings be held during the month of August; and

WHEREAS, certain payments on contractual obligations of the Authority become due and payable during the month of August as do payments for professional services.

NOW THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that during the month of August 2013 the Executive Director and Administrative Assistant be and are herewith authorized to make payments on contractual obligations which become due and for professional services rendered, provided that all vouchers submitted therefore have been approved by the Authority Chairman. Also, subject to review and approval of the bill list for the month of August by the Commissioners prior to August 15, 2013.


VICE-CHAIRMAN


SECRETARY

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Plumley

No. 42-2013

Seconded by Commissioner Kelaher

Date: July 9, 2013

**RETENTION OF COUNSEL FOR SPECIAL LEGAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.7**

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 FOR 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 has received responses to the Request for Qualifications for the aforementioned position on April 2, 2013; and

WHEREAS, in accordance with N.J.S.A. 19:44A-20.7, 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

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; and

WHEREAS, by Resolution 26-2013 the Authority identified several firms as qualified to perform legal services required by the Authority; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Plumley

No. 42-2013

Seconded by Commissioner Kelaher

Date: July 9, 2013

**RETENTION OF COUNSEL FOR SPECIAL LEGAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.7**

WHEREAS, the Borough of Oakland, located at the western boundary of the Authority Sewer Service Area, has conducted investigations related to providing sanitary sewer service to various areas within the Borough, including the Central Business District; and

WHEREAS, these investigations have resulted in a report titled "Sewer Service for Oakland Borough Center Conceptual Feasibility Analysis", which concluded that a cost effective approach was to convey sanitary sewage wastewater to the Northwest Bergen County Utilities Authority's treatment facility in Waldwick, NJ.; and

WHEREAS, the contents of said report were discussed in January 2013 with representatives of the NJDEP and the NJ Highlands Council at a meeting convened by the County of Bergen, Department of Planning and Economic Development and attended by a representative of the Office of the County Counsel; and

WHEREAS, the Authority's treatment facility in Waldwick, NJ is presently operating at some 60% of permitted capacity and the Authority strongly desires to increase its customer base to reduce municipal service charges; and

WHEREAS, the Borough of Oakland strongly desires to replace aging individual package wastewater treatment plants to reduce municipal sewage treatment costs and to increase the municipal tax base by development within the Borough; and

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RESOLUTION

Offered by Commissioner Plumley

No. 42-2013

Seconded by Commissioner Kelaher

Date: July 9, 2013

**RETENTION OF COUNSEL FOR SPECIAL LEGAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.7**

WHEREAS, the Borough of Oakland is not within the Authority Sewer Service Area and any modifications to the Borough Wastewater Management Plan will require approval of both the NJDEP and the Highlands Council; and

WHEREAS, these special considerations require the services of an experienced attorney to achieve the Authority's goal of exploring a potential sanitary sewer system for the Borough of Oakland via a connection to the Authority; and

WHEREAS, the firm of Waters, McPherson, McNeill, P.C. was determined to be highly qualified and eminently capable of providing these legal services to the Authority having served several years as counsel to the Bergen County Utilities Authority; and

WHEREAS, the Authority has determined that it is in its best interest to retain the firm of Waters, McPherson, McNeill, P.C. to perform these services as set forth in this Resolution; and

WHEREAS, compensation for the services to be rendered will be limited to a rate of \$150 per hour as specified in the Authority's RFQ.

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby retains the firm of Waters, McPherson, McNeill, P.C. for the year ending December 31, 2013 and until a successor has been named.

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Offered by Commissioner Plumley

No. 42-2013

Seconded by Commissioner Kelaher

Date: July 9, 2013

RETENTION OF COUNSEL FOR SPECIAL LEGAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.7

BE IT FURTHER RESOLVED that the Authority shall prepare a professional services agreement for the aforementioned for execution and delivery by the Authority and the professional, with compensation to the professional at the rate of \$150 per hour, in an amount not to exceed \$30,000; and

BE IT FURTHER RESOLVED that notice of the contract award shall be advertised in accordance with N.J.S.A. 19:44A-20.7.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption subject to applicable law.

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 July 9, 2013.


SECRETARY


VICE-CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

MOTION

NO. 1

OFFERED BY: COMMISSIONER GABBERT

SECONDED BY: COMMISSIONER KASPARIAN

DATE: JULY 9, 2013

MOTION TO APPROVE CHANGE ORDER #2, AS PREPARED BY T&M ASSOCIATES, FOR CONTRACT #260 SITE IMPROVEMENTS FOR PAVING & LIGHTING IN THE CREDIT AMOUNT OF \$18,754.15.

ROLL CALL:

**AYES: COMMISSIONERS DAPUZZO, DEPHILLIPS, GABBERT, KASPARIAN,
KELAHER, PLUMLEY**

NAYES: NONE

ABSENT: COMMISSIONERS SALAZER AND CHEWCASKIE