

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONSENT RESOLUTION

Date: March 17, 2015

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.

RESOLUTIONS

- 33-2015 Approval of Vouchers, Payroll and Tax Deposits
- 34-2015 Resolution authorizing contracts with certain approved State Contract Vendors for Contracting Units pursuant to NJSA.40A:11-12a
- 35-2015 Approval of Application for Proposed Sanitary Sewer Extension – Borough of Franklin Lakes: Pulis Avenue, Mable Ann Avenue, DeKorte Drive & Bender Court, Borough of Franklin Lakes
- 36-2015 Designation of Bank Depositories for 2015
- 37-2015 Authorization to settle Litigation and Enter into Consent Order
- 38-2015 Resolution to Release Minutes of Closed Session
- 39-2015 Resolution of the Northwest Bergen County Utilities Authority concerning the review of the Findings and Recommendations of the Local Finance Board Pursuant to N.J.S.A. 40A5A-7 relating to the Hearing held by the Local Finance Board in connection with the issuance of the Authority's not to exceed \$8,500,000 State Fiscal Year 2015 Utility System Subordinated Revenue Bonds, Series 2015


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 33-2015

Date: March 17, 2015

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

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 Pensions & Benefits transfers for the month of February 2015 and Health Benefits and Dental Benefits transfers for March 2015; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions 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,

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated March 17, 2015 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$191,169.37

ACCOUNT: Tax Deposit Account
Total: \$92,225.38

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$105,077.69

ACCOUNT: Health Benefits Contribution Employee
Total: \$9,960.22

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

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Date: March 17, 2015

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

ACCOUNT: Dental Benefits
Total Transfer: \$3,995.82

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$28,133.35

ACCOUNT: Operating Account
Total: \$559,724.69

ACCOUNT: General Improvement Account
Total: \$45,140.27


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 34-2015

Date: March 17, 2015

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A.40A:11-12a**

WHEREAS, the Northwest Bergen County Utilities Authority, pursuant to N.J.S.A.40A:11-12a and N.J.A.C.5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Northwest Bergen County Utilities Authority has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Northwest Bergen County Utilities Authority intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT

RESOLVED, that the Northwest Bergen County Utilities Authority authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Northwest Bergen County Utilities Authority pursuant to N.J.A.C.5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Northwest Bergen County Utilities Authority and the Referenced State Contract Vendors shall be from January 1, 2015 to December 31, 2015.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 34-2015

Date: March 17, 2015

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A.40A:11-12a**

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 March 17, 2015.


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									
Recuse									

REFERENCED STATE CONTRACT VENDORS

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State Contract No.</u>
General Office Supplies	Staples, Inc.	M-0052 (exp. 5/16/15)
Custodial/Maintenance Supplies	Grainger, Inc.	M-0002 (exp. 2/28/2017)
Fire Extinguisher Maintenance	FYR Fyter Sales	T0576 (exp. 5/31/2015)
Laboratory Supplies	T-0983 – Hach Chemical	85091 (exp. 9-30-2016)
	T-0115 – Fisher Scientific	75827 (exp. 12/31/2015)
	T-0115 – J&H Berge	75819 (exp. 12/31/2015)
	T-0115 – VWR Scientific	75846 (exp. 12/31/2015)

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 35-2015

Date: March 17, 2015

**APPROVAL OF APPLICATION OF PROPOSED SANITARY SEWER EXTENSION –
BOROUGH OF FRANKLIN LAKES
PULIS AVENUE, MABLE ANN AVENUE, DEKORTE DRIVE & BENDER COURT
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

WHEREAS, an application has been made to the Northwest Bergen County Utilities Authority (hereinafter sometimes referred to as the “Authority”) on behalf of the Borough of Franklin Lakes (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension to be located in Pulis Avenue, Mable Ann Avenue, DeKorte Drive and Bender Court, in the Borough of Franklin Lakes, New Jersey to provide sanitary sewer services to eighteen (18) existing single family homes and the Borough of Franklin Lakes municipal buildings and library, consisting of six (6) buildings (the “Project”); and

WHEREAS, the Authority’s technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated March 4, 2015 has recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions, finding that when completed, the Project will contribute an average daily flow of 7,100 gallons per day (gpd), or 18 additional residential EDUs and 9 non-residential EDUs to the Authority’s systems; and

WHEREAS, it is recommended that the Authority approve the Project, subject to fulfillment of certain terms and conditions by the Applicant.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the application of the Borough of Franklin Lakes for approval of the Project, be approved upon condition that the Applicant, its principals, agents, successors or assigns fulfill the following terms and conditions:

1. The construction shall conform to all applicable requirements of the Borough of Franklin Lakes;
2. The installation of the sewers and appurtenances be inspected and approved by the Borough of Franklin Lakes;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 35-2015

Date: March 17, 2015

**APPROVAL OF APPLICATION OF PROPOSED SANITARY SEWER EXTENSION –
BOROUGH OF FRANKLIN LAKES
PULIS AVENUE, MABLE ANN AVENUE, DEKORTE DRIVE & BENDER COURT
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

3. That all newly constructed sewers be tested for infiltration and exfiltration and that such testing be observed and the results approved by an Authority engineer who has been provided with 2 days notice of such testing;
4. That the Applicant pay for engineering expenses incurred by the Authority for all inspection and testing of the sewers and appurtenances;
5. That the Applicant pay for all Authority application fees, legal fees and other application, administrative, technical or any other expenses relating to review of the Project;
6. That any manholes constructed or modified by reason of this Project be fitted with sewer guards to prevent inflow. All manholes constructed must be installed with all required waterproofing measures, including exterior painting and pipe gasket interlock;
7. That water conserving plumbing fixtures be installed in all new building construction to be serviced by the Project;
8. That the Authority be notified by the Applicant or its designee prior to commencement of sanitary sewer installation;
9. That prior to placing this connection into service, the Applicant must submit to the Authority for approval NJDEP Form WQM-005; and
10. That the Applicant comply with the rules and regulations of the Authority and the New Jersey Department of Environmental Protection; and be it

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 35-2015

Date: March 17, 2015

**APPROVAL OF APPLICATION OF PROPOSED SANITARY SEWER EXTENSION –
BOROUGH OF FRANKLIN LAKES
PULIS AVENUE, MABLE ANN AVENUE, DEKORTE DRIVE & BENDER COURT
BOROUGH OF FRANKLIN LAKES, NEW JERSEY**

FURTHER RESOLVED, that upon written assurance of fulfillment by the Applicant of the foregoing terms and conditions, the Authority Superintendent be and is herewith authorized on behalf of the Authority to execute such approvals of the Project as may be required by governmental agencies having jurisdiction thereover.


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									
Recuse									

[illegible]

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 37-2015

Date: March 17, 2015

**AUTHORIZATION TO SETTLE LITIGATION
AND ENTER INTO CONSENT ORDER**

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") awarded the contract designated as "Goffle Road and Midland Park Pump Station Upgrades, Contract #266" (the "Contract") to Coppola Services, Inc. by Resolution #86-2014 dated December 9, 2014;

WHEREAS, Longo Electrical-Mechanical, Inc. ("Longo") was deemed non-responsive for failure to specify Aurora pumps in its bid; and

WHEREAS, Longo challenged the award of the Contract to Coppola by way of Order to Show Cause filed December 23, 2014 captioned Longo Electrical-Mechanical, Inc. v. Northwest Bergen County Utilities Authority and Coppola, Docket No. BER-L-20688-14 (the "Litigation"); and

WHEREAS, Longo has indicated it will supply the Aurora pumps and Toshiba drives to the Authority in accordance with the Authority's bid specifications and at its bid price of \$506,263.10 for Alternate A-1; and

WHEREAS, Coppola has indicated that it wants to resolve the pending Litigation and agrees to vacate the award of the Contract; and

WHEREAS, the parties have agreed that the award of the Contract shall be vacated and the Authority may award the Contract to Longo on the terms set forth above and in accordance with the bid specifications all as more particularly set forth in the Consent Order attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority, in order to settle and resolve the Litigation, agree and authorize its attorney to execute the Consent Order substantially in the form attached as Exhibit A hereto.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 37-2015

Date: March 17, 2015

AUTHORIZATION TO SETTLE LITIGATION
AND ENTER INTO CONSENT ORDER

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 March 17, 2015.


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Ayes	✓	✓	✓	✓	✓		✓	✓	✓
Nayes									
Absent						✓			
Abstain									
Recuse									

THE LAW FIRM OF RICHARD M. BARON

Richard M. Baron
Reg. No. 011271980
300-3 Route 17 South, Suite 6
Lodi, NJ 07644-3831
(973) 473-5200
Counsel for Plaintiff,
Longo Electrical-Mechanical, Inc.

**LONGO ELECTRICAL-MECHANICAL,
INC.,**

Plaintiff,

v.

**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY and COPPOLA
SERVICES, INC.,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : BERGEN COUNTY**

DOCKET NO.: BER-L-20688-14

**CIVIL ACTION
CONSENT ORDER**

THIS MATTER, having been opened to the Court upon the application of Richard M. Baron, Esq., The Law Firm of Richard M. Baron, counsel for Plaintiff, Longo Electrical-Mechanical, Inc. ("Longo"), and with the consent of (i) Scott E. Rekant, Esq. of Sokol Behot LLP, counsel for Defendant, Northwest Bergen County Utilities Authority ("NWBCUA"), and (ii) Jennifer Budd, Esq. of Cohen, Seglias, Pallas, Greenhall & Furman P.C., counsel for Defendant, Coppola Services, Inc. ("Coppola"), representing all parties who have appeared in this action, for the entry of an Order resolving the instant litigation involving Longo's pending Amended Verified Complaint in Lieu of Prerogative Writs which protests the award of a contract designated as "Goffle Road & Midland Park Pump Station Upgrades, Contract #266" (the "Contract") to Coppola by

NWBCUA Resolution No. 86-2014, dated December 9, 2014 ("Resolution of Award"), and the Court having reviewed this Consent Order, together with the pleadings and other papers on file, and an opportunity for oral argument having been given, and good cause having been shown;

IT IS, on the _____ day of _____, 2015,

ORDERED, that:

1. The Resolution of Award is hereby vacated;
2. Longo has confirmed in connection with its bid on the Contract that (a) it will provide the Aurora pumps and Toshiba drives to the Authority in accordance with the Authority's bid specifications, and (b) its bid price is \$506,263.10 for Alternate A-1 which makes Longo's bid responsive and therefore the low bidder on the Contract.
3. Without re-bid of the Contract or further notice, the NWBCUA may make a new award of the Contract within sixty (60) days of the date of this Order to Longo in accordance with the terms hereof and the bid specifications, unless Longo consents to a further extension thereof;
4. Any other time limits or procedures provided by the Local Public Contracts Law or other applicable law which could affect the NWBCUA's issuance of a new award of the Contract under its prior Advertisement for the Contract shall be extended from the date of this Court's entry of this Order;
5. This matter shall be dismissed without costs and with prejudice. If a new cause of action arises from a violation of this Consent Order, the Plaintiff may file a new complaint as may be appropriate; and

6. A copy of this Consent Order shall be served on all parties within seven (7) days of the date hereof.

Lisa Perez Friscia, J.S.C.

THE LAW FIRM OF RICHARD M. BARON
Counsel for Plaintiff, Longo Electrical-
Mechanical, Inc.

By: _____
Richard M. Baron

SOKOL BEHOT LLP
Counsel for Defendant, Northwest Bergen
County Utilities Authority

By: _____
Scott E. Rekant

COHEN, SEGLIAS, PALLAS,
GREENHALL & FURMAN P.C.
Counsel for Defendant, Coppola Services,
Inc.

By: _____
Jennifer Budd

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 38-2015

Date: March 17, 2015

RESOLUTION TO RELEASE MINUTES OF CLOSED SESSION

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 matters involving the appointment of various professionals; and

WHEREAS, the Commissioners went into closed session on February 17, 2015 to discuss certain professional appointments; and

WHEREAS, after the closed session on February 17, 2015, the Commissioners made various professional appointments during the public portion of its meeting; and

WHEREAS, the Commissioners have, on this night, approved the minutes of the February 17, 2015 closed session.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Northwest Bergen County Utilities Authority, having approved the closed session minutes of the February 17, 2015 meeting, hereby authorize the disclosure of these minutes to the public.

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 March 17, 2015.


SECRETARY


CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelahr	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 39-2015

DATE: March 17, 2015

**RESOLUTION OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
CONCERNING THE REVIEW OF FINDINGS AND RECOMMENDATIONS OF THE
LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-7 RELATING TO THE
HEARING HELD BY THE LOCAL FINANCE BOARD IN CONNECTION WITH THE
ISSUANCE OF THE AUTHORITY'S NOT TO EXCEED \$8,500,000 STATE FISCAL
YEAR 2015 UTILITY SYSTEM SUBORDINATED REVENUE BONDS, SERIES 2015**


WHEREAS, the findings and recommendations issued by the Local Finance Board, Division of Local Government Services, Department of Community Affairs, State of New Jersey (the "Local Finance Board"), held on December 10, 2014, on the project financing of the Northwest Bergen County Utilities Authority (the "Authority") have been filed with the Secretary of the Authority, and a copy has been received by each member of the governing body; and

WHEREAS, N.J.S.A. 40A:5A-7 requires that the governing body of the Authority, within 45 days of receipt of the Local Finance Board's findings and recommendations on the proposed project financing, shall certify by resolution to the Local Finance Board that each member thereof has personally reviewed the findings and recommendations; and

WHEREAS, each member of the governing body of the Authority has personally reviewed each of the Local Finance Board's findings and recommendations on the proposed project financing as evidenced by the attached group affidavit of the governing body; and

WHEREAS, failure to comply with this requirement may subject the members of the Authority to the penalty provisions of N.J.S. 52:27BB-52;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Northwest Bergen County Utilities Authority hereby states that it has complied with the requirements of N.J.S. 40A:5A-7 and does hereby direct the Secretary of the Authority to submit a certified copy of this resolution and the required affidavit to the Local Finance Board to evidence said compliance.


 SECRETARY


 CHAIRMAN

	Bonagura	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaher	Plumley	Salazer	Chewcaskie
Offered		✓							
Seconded				✓					
Aye	✓	✓	✓	✓	✓		✓	✓	✓
Nay									
Absent						✓			
Abstain									
Recuse									

I hereby certify the above to be a true copy of the Resolution adopted by the Northwest Bergen County Utilities Authority at a meeting held on March 17, 2015.


 Alison Gordon, Secretary


GROUP AFFIDAVIT FORM

CERTIFICATION OF GOVERNING BODY

State of New Jersey
County of Bergen


We, the members of the governing body of the Northwest Bergen County Utilities Authority of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly appointed members of the Northwest Bergen County Utilities Authority.
2. We certify that, pursuant to N.J.S.A. 40A:5A-7, we have personally reviewed the December 10, 2014 findings and recommendations of the Local Finance Board on the proposed issuance of State Fiscal Year 2015 Utility System Subordinated Revenue Bonds, Series 2015 (the "2015 Obligations") by Northwest Bergen County Utilities Authority in order to (a) finance various sewer improvements, including upgrades and improvements to two existing incinerators and (b) pay or repay certain costs and expenses to be incurred by the Authority in connection with the authorization, issuance and delivery of the 2015 Obligations.



BRIAN CHEWCASKIE, CHAIRPERSON


MICHAEL KASPARIAN, VICE CHAIRPERSON


DENNIS BONAGURA, MEMBER


JOHN DAPUZZO, MEMBER


CHRISTOPHER DEPHILLIPS, MEMBER

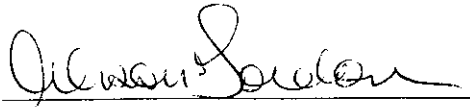

KENNETH GABBERT, MEMBER


FRANK KELAHER, MEMBER


MARION PLUMLEY, MEMBER


ELIZABETH SALAZER, MEMBER

Sworn to and subscribed before me
This 17th day of March, 2015



Notary Public of the State of New Jersey

State of New Jersey
County of Bergen
Notary Public
Alison Gordon
J.D. No: 2441183
My Commission Expires:
December 3, 2018

The Secretary of the Authority shall set forth the reason for the absence of signature of any members of the governing body.

This affidavit must be sent to the Division of Local Government Services, CN 258, Trenton, N.J. 08625 within 45 days of receipt of the Local Finance Board's findings and recommendations on the proposed project financing.

- Commissioner Frank Kelaher did not sign the affidavit because he was not in attendance of the Board meeting.
- Commissioner Christopher DePhillips did not sign the affidavit due to a conflict.