

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by SEE BELOW

Seconded by _____ Date Sept. 4, 2012

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.

- 51-2012. Approval of vouchers, payroll and tax deposits.
- 52-2012. Appointment of Insurance Risk Manager.
- 53-2012. Appointment of Public Relations Professional.
- 54-2012. Authorization to increase fee of Labor Attorney Eric Bernstein.
- 55-2012. Authorization to increase fee of Doug Bern, Esq.


SECRETARY


CHAIRMAN

Resos.#51-2012; 53-2012 to 55-2012

Offered by: Commissioner Kasparian

Seconded by Commissioner DaPuzzo

Roll Call: Ayes: Comm.Dachnowicz, DaPuzzo, Gabbert, Kasparian, Kelaher, Plumley, Salazer, Chewcaskie

Absent: Comm. DePhillips

Reso.#52-2012 Offered by Commissioner Dachnowicz, Seconded by Comm.Kelaher

Roll Call: Ayes: Commissioners Dachnowicz, Kasparian, Kelaher, Plumley, Salazer

Nayes: Commissioner Gabbert

Recuse: Commissioners DaPuzzo & Chewcaskie

Absent: Commissione DePhillips

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

Offered by Commissioner Kasparian

No. 51-2012.

Seconded by Commissioner DaPuzzo

Date Sept. 4, 2012

**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 months of July and August 2012 and Health and Dental Benefits transfers for August and September 2012; 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 Sept. 4, 2012 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT:	PAYROLL ACCOUNT - JULY
NET PAYROLL:	\$191,940.07

ACCOUNT:	TAX DEPOSIT ACCOUNT - JULY
TOTAL:	\$ 72,911.42

ACCOUNT:	PERS AND CONTRIBUTORY INSURANCE - JULY
TOTAL TRANSFER:	\$ 27,122.40

ACCOUNT:	HEALTH BENEFITS - EMPLOYER - AUGUST
TOTAL TRANSFER:	\$ 91,511.60

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RESOLUTION**

Offered by: Commissioner Kasparian

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Seconded by: Commissioner DaPuzzo

Date: Sept. 4, 2012

ACCOUNT: HEALTH BENEFITS - EMPLOYEE - AUGUST
TOTAL: \$ 2,435.66

ACCOUNT: DENTAL BENEFITS - AUGUST
TOTAL TRANSFER: \$ 4,372.31

ACCOUNT: DCRP - EMPLOYEE - AUGUST
TOTAL TRANSFER: \$ 22.92

ACCOUNT: DCRP - EMPLOYER - AUGUST
TOTAL TRANSFER: \$ 12.50

ACCOUNT: OPERATING ACCOUNT - AUGUST
TOTAL: \$300,797.79

ACCOUNT: 2009 WWT PROJECT ACCOUNT - AUGUST
TOTAL: \$ 23,302.47

ACCOUNT: PAYROLL ACCOUNT - AUGUST
TOTAL: \$287,497.15

ACCOUNT: TAX DEPOSIT ACCOUNT - AUGUST
TOTAL: \$110,016.37

ACCOUNT: PERS & CONTRIBUTORY INS. - AUGUST
TOTAL: \$ 26,126.96

ACCOUNT: HEALTH BENEFITS - EMPLOYER - SEPT.
TOTAL: \$ 89,819.30

ACCOUNT: HEALTH BENEFITS - EMPLOYEE - SEPT.
TOTAL: \$ 2,435.66

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RESOLUTION

Offered by Commissioner Kasparian

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Seconded by Commissioner DaPuzzo


Date: Sept. 4, 2012

ACCOUNT: DENTAL BENEFITS - SEPT.
TOTAL: \$ 4,308.81

ACCOUNT: OPERATING ACCOUNT - SEPT.
TOTAL: \$209,759.41

ACCOUNT: 2012 WWT PROJECT ACCOUNT - SEPT.
TOTAL: \$559,165.93


SECRETARY


CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Dachnowicz

No. 52-2012 Page 1

Seconded by Commissioner Kelaher

Date: Sept. 4, 2012

RETENTION OF RISK MANAGER PURSUANT TO N.J.S.A.19:44A-20.4

RESOLVED,

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") is currently a participating member in the New Jersey Utility Authorities Joint Insurance Fund (the "NJUAJIF"); and

WHEREAS, THE NJUAJIF offers coverage to Utility Authorities of the State of New Jersey who agree to become members ("members") for: Workers Compensation; Employer Liability (other than Motor Vehicle); Property Damage (other than Motor Vehicle); and Motor Vehicle; and

WHEREAS, the NJUAJIF by-laws provide that each member may appoint an Insurance Producer to perform various professional services relating to membership in NJUAJIF, including the evaluation of claims exposures; explanation of coverage and options; preparation of applications and claims; review of annual assessment, losses and reports, and such other services required by the member; and

WHEREAS, an amount up to six percent (6%) of the annual assessment charged by the NJUAJIF is reserved for compensation to the Insurance Producer if one is selected by the member, otherwise it is reimbursed to the member; and

WHEREAS, the Authority has adopted the fair and open process pursuant to N.J.S.A. 19:44A-20.7 with respect to the retention of Risk Manager; and

WHEREAS, the Authority issued a Request for Proposals for such position and notice thereof was published on Aug. 13, 2012; and

WHEREAS, the Authority has received responses to the Request for Proposals for the aforementioned position on Aug. 24, 2012 from the following Individuals/Firms:

- 1. Alamo Insurance Group, North Bergen, N.J.**

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RESOLUTION

Offered by Commissioner Dachnowicz

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Seconded by Commissioner Kelaher

Date: Sept. 4, 2012

RETENTION OF RISK MANAGER PURSUANT TO N.J.S.A.19:44A-20.4

2. **Brown & Brown Insurance, Florham Park, N.J.**
3. **Nelson-Patterson Agency, Inc., New Milford, N.J.**
4. **Fairview Insurance Agency Assocs., Inc., Verona, N.J.**

and;

WHEREAS, the Authority convened to evaluate the Request for Proposals; 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 response to the Statements for Request for Proposals; and

WHEREAS, the Authority intended to qualify a person and/or firm that (i) possessed the professional, financial and administrative capabilities to provide the proposed Risk Management 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 Proposals, the Authority's objective was to select an organization or individual 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 Proposals, 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; (iv) the specific services to be provided by each respondent; (v) the fee proposed by each respondent; and (vi) other factors demonstrated to be in the best interest of the Authority; and

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RESOLUTION

Offered by Commissioner Dachnowicz

No. 52-2012 Page 3

Seconded by Commissioner Kelaher

Date: Sept. 4, 2012

RETENTION OF RISK MANAGER PURSUANT TO N.J.S.A.19:44A-20.4

WHEREAS, the firm of Alamo Insurance Group was determined to be highly qualified and eminently capable of providing Risk Management Services to the Authority; and

WHEREAS, the Authority has determined that it is in the best interest to retain the professional Alamo Insurance Group as set forth in this Resolution; and

WHEREAS, Alamo Insurance Group will provide to the Authority professional Risk Management Consulting Services as required in the by-laws of the NJUAJIF at a not to exceed 3.25% of the NJUAJIF assessment; and

WHEREAS, the Commissioners of the Authority have determined that it is in the best interest of the Authority, and the municipalities served by it, to appoint an Insurance Producer for the project described above for the term commencing on the Resolution date and until Feb. 2014 to perform services relating to such membership.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the Authority does hereby agree to appoint the firm of Alamo Insurance Group, 8419 Bergenline Ave., North Bergen, N.J. 07047 as its Insurance Producer for the project described above for a term commencing on the Resolution date to Feb. 2014, for purposes of the Authority's Membership in the New Jersey Utilities Authority's Joint Insurance Fund, and Agrees that the reserved fee of (3.25%) of the Authority's annual Assessment may be paid to such Insurance Producer by the NJUAJIF; and it is

FURTHER RESOLVED, that notice of the contract award shall be advertised in accordance with applicable law.

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Dachnowicz

No. 52-2012 Page 4

Seconded by Commissioner Kelaher

Date: Sept. 4, 2012

RETENTION OF RISK MANAGER PURSUANT TO N.J.S.A.19:44A-20.4

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 Sept. 4, 2012.


CHAIRMAN


SECRETARY

Roll Call: AYES: Commissioners Dachnowicz, Kasparian, Kelaher, Plumley,
Salazer
NAYES: Commissioner Gabbert
RECUSE: Commissioner DaPuzzo, Chewcaskie
ABSENT: Commissioner DePhillips

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 53-2012

Seconded by Commissioner DaPuzzo

Date: Sept. 4, 2012

AUTHORIZATION FOR CHAIRMAN TO EXECUTE PUBLIC RELATIONS SERVICES AGREEMENT

WHEREAS, the Authority has determined that there is a need to acquire the services of a public relations professional; and

WHEREAS, the Authority has a need to acquire the services of McEntyre Associates, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Commissioners of the Authority have determined that McEntyre Associates is competent, qualified and experienced to serve as the Authority's public relations professionals; and

WHEREAS, the Authority desires to appoint and retain McEntyre Associates as public relations professionals to the Authority for a twelve month period at a price of \$2,000.00 per month not to exceed \$24,000.00; and

WHEREAS, the Authority has determined, based upon the foregoing, that it is necessary for its efficient operation to retain the services of McEntyre Associates to serve as public relations professionals to the Authority; and

WHEREAS, McEntyre Associates, its subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year preceding the award of the contract that would, pursuant to P.L.2004, c. 19, affect its eligibility to perform this contract;

WHEREAS, McEntyre Associates will not make any reportable contributions during the term of its contract to any political party committee in the County of Bergen when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the County of Bergen when the contract is awarded;

WHEREAS, N.J.S.A. 40:14B-20 authorizes and permits the Authority to enter into any and all contracts, execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Authority or to carry out any power expressly given to the Authority pursuant to N.J.S.A. 40:14B-1 et seq., expressly subject to N.J.S.A. 40A:11-1 et seq. (“Local Public Contracts Law”); and

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

1. The Authority is hereby authorized to engage the services of McEntyre Associates.
2. The Authority shall be and is hereby authorized to execute an Agreement to retain the services of the public relations consultant, McEntyre Associates, in final form acceptable to the Commissioners, as evidenced by the Chairman’s signature thereon, on behalf of the Authority.
3. The Political Contribution Disclosure Certification, Business Disclosure Entity Certification, and Business Registration Certificate of McEntyre Associates, shall be placed on file in the office of the Executive Director and available for public inspection.
4. Upon execution, a fully executed and confirmed copy of the Agreement shall be placed on file in the office of the Executive Director and available for public inspection.
5. A notice of this contract award shall be published in the form prescribed by law.
6. The formal action(s) of the Commissioners of the Northwest Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).


CHAIRMAN


SECRETARY

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 54-2012 pg. 1

Seconded by Commissioner DaPuzzo

Date: Sept. 4, 2012

**RESOLUTION TO AMEND LABOR COUNSEL PROFESSIONAL SERVICES
CONTRACT**

WHEREAS, by Resolution No.13-2012, the Northwest Bergen County Utilities Authority (the "Authority") identified a number of firms as qualified to perform legal services required by the Authority pursuant to a Request for Qualifications for such position, which notice thereof was published on January 13, 2012; and

WHEREAS, by Resolution No.20-2012 (the "Original Resolution"), the Authority retained the firm of Eric M. Bernstein & Associates, LLC (the "Bernstein Firm") as Labor Counsel to the Authority and authorized the Chairman to execute a Professional Services Agreement between the Authority and the Bernstein Firm; and

WHEREAS, a Professional Services Agreement dated February 7, 2012 between the Authority and the Bernstein Firm was executed by the parties thereafter; and

WHEREAS, the Original Resolution and the Professional Services Agreement provides for Labor Counsel's compensation to be capped at \$10,000.00 and that in the event that it anticipates it will exceed that amount, to seek further authorization from the Authority at such time; and

WHEREAS, the Bernstein Firm has advised the Authority that due to litigation, that counsel fees for such litigation will cause the overall compensation to the Bernstein Firm to exceed \$10,000.00; and

WHEREAS, the cost of this litigation has been estimated at \$20,000.00; and

NOW, THEREFORE, BE IT, RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the not to exceed fee for Eric Bernstein & Associates, LLC for legal services be increased by \$20,000, subject to the same terms and conditions of the Authority's prior approval.

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RESOLUTION

Offered by Commissioner Kasparian

No. 54-2012 pg. 2

Seconded by Commissioner DaPuzzo

Date: Sept. 4, 2012

BE IT FURTHER RESOLVED, that the Secretary is hereby directed to cause notice hereof to be published as required by 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 Commissioners of the Authority eligible to vote at a Regular meeting held on Sept. 4, 2012.



CHAIRMAN



SECRETARY

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 55-2012 Page 1

Seconded by Commissiner DaPuzzo

Date: Sept. 4, 2012

**RESOLUTION TO INCREASE THE FEE FOR SERVICES OF DOUGLAS M. BERN,
ESQ. OF KAUFMAN, 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, by Resolution 28-2011 dated March 15, 2011, the Authority authorized Douglas M. Bern, Esq. of Kaufman, Bern, Deutsch & Leibman, LLP ("KBDL"), who was then Authority General Counsel, to provide the Legal Services required for the FRANKLIN LAKES SANITARY SEWER PROJECT (Project No. S-340700-09); and

WHEREAS, KBDL had 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 scope of services were to include legal services and assistance to the Authority in the preparation of documents related to the financing with New Jersey Environmental Infrastructure Trust loan program ("NJEIT") in connection with this Project; and

WHEREAS, at the time of this proposal it was not anticipated funding through the NJEIT would be conducted in two (2) phases, interim and final, which would require additional legal services to meet the loan closing requirements; and

WHEREAS, by Resolution 27-2012 dated March 6, 2012, the Authority authorized an increase in the fee for services of Douglas M. Bern, Esq. of Kaufman, Bern, Deutsch & Leibman, LLP ("KBDL") in the amount of \$35,000; and

WHEREAS, in addition to legal service associated with funding, additional services associated with the acquisition of property easements, including easement agreements, and the preparation of project agreements and sewer service implementation ordinances with the Borough of Franklin Lakes required by the Authority, which had not been anticipated in the proposal; and

WHEREAS, in order to successfully complete this Project, additional legal services are required; and

WHEREAS, the cost of such additional legal services, excluding potential court costs associated with property condemnation proceedings, has been estimated at \$35,000.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 55-2012 Page 2

Seconded by Commissioner DaPuzzo

Date: Sept. 4, 2012

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

NOW, THEREFORE, BE IT

RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority that the not to exceed fee for KBDL legal services for this Project be increased by \$35,000 subject to the same terms and conditions of the Authority's prior approval.

BE IT FURTHER RESOLVED, that the Secretary is hereby directed to cause notice hereof to be published as required by law.


SECRETARY


CHAIRMAN

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