

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. CS-JUL-2016

Date: July 19, 2016

**RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN
COUNTY UTILITIES AUTHORITY TO ENTER CLOSED SESSION PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT**

AMENDED

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 to 10:4-21, requires that meetings of public bodies shall be open to the public at all times, except that the public body may exclude the public only from that portion of a meeting at which the public body discusses matters set forth in N.J.S.A. 10:4-12b; and

WHEREAS, the Northwest Bergen County Utilities Authority (“Authority”) Board of Commissioners intends to hold a closed meeting on the following subject matters which are authorized by N.J.S.A. 10:4-12b:

- 1) Pending Litigation, Privileged Attorney-Client Communication
Regarding Contractual Dispute.
- 2) Litigation – Bassett v. NBCUA

NOW, THEREFORE, BE IT RESOLVED by the Authority’s Board of Commissioners,
that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority’s Governing Body shall meet in closed session on July 19, 2016, to discuss the above-referenced matters.
3. The minutes, or parts thereof, of the closed session discussion may be disclosed to the public upon the determination by the Board of Commissioners that the public interest will no longer be served by such confidentiality.
4. This Resolution shall be effective immediately.

ADOPTED: July 19, 2016

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. CS-JUL-2016

Date: July 19, 2016

**RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN
COUNTY UTILITIES AUTHORITY TO ENTER CLOSED SESSION PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT**

I hereby certify 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 19, 2016.


ALISON GORDON
SECRETARY


~~**BRIAN CHEWCASKIE**~~
~~**CHAIRMAN**~~
Michael Kasparian
Vice-Chairman

	Bonagura	Danubio	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelahe	Plumley	Chewcaskie
Offered			✓						
Seconded						✓			
Aye	✓	✓	✓		✓	✓	✓	✓	
Nay									
Absent				✓					✓
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 58-2016

Date: July 19, 2016

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 June 2016 and Health Benefits and Dental Benefits transfers for July 2016; 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 July 19, 2016 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$206,432.24

ACCOUNT: Tax Deposit Account
Total: \$98,511.75

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$113,366.33

ACCOUNT: Health Benefits Contribution Employee
Total: \$9,452.22

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 58-2016

Date: July 19, 2016

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

ACCOUNT: Dental Benefits
Total Transfer: \$4,131.61

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$35,696.79

ACCOUNT: PERS and Contributory Insurance – 1st Quarter RETRO, Administration
Total Transfer: \$511.02

ACCOUNT: Operating Account
Total: \$182,071.99

ACCOUNT: General Improvement Account
Total: \$175,737.78

ACCOUNT: 2014 WWT Project Account
Total: \$651.42

ACCOUNT: 2015 WWT Project Account
Total: \$52,668.32


SECRETARY


vice-CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 59-2016

Date: July 19, 2016

CANCELLATION OF AUGUST MEETINGS

WHEREAS, it has been determined by the Commissioners of the Northwest Bergen County Utilities Authority (the "Authority") that no meetings of the Commissioners will be held during the month of August, 2016; and

WHEREAS, the Authority's bills are approved for payment at its monthly meeting and the Authority has a need to provide for the consistent and regular payment of its bills for the month of August; and

WHEREAS, the Commissioners wish to provide a mechanism for the payment of August bills as set forth below.

NOW, THEREFORE, BE IT RESOLVED, the Commissioners of the Northwest Bergen County Utilities Authority direct the Executive Director and Administrative Assistant to prepare the bill list (including but not necessarily limited to payroll, tax deposits, health benefits contributions, dental benefits, PERS and Contributory Insurance, DCRP contributions, operating account, general improvement account and the 2014 & 2015 Wastewater Trust account) in the ordinary course for payment and circulate such list to each Commissioner by August 5, 2016; and

BE IT FURTHER RESOLVED, that unless any Commissioner has an objection to a specific payment or requires further discussion on payment of a bill(s), then such bill(s) shall be

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 59-2016

Date: July 19, 2016

CANCELLATION OF AUGUST MEETINGS

excluded from payment and the Commissioners authorize payment of the remainder bills on or after August 15, 2016.

It is hereby certified that this is a true copy of a Resolution adopted by the Northwest Bergen Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a meeting held on July 19, 2016.

[Signature]
SECRETARY

VICE - CHAIRMAN *[Signature]*

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 60-2016

Date: July 19, 2016

AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF FRANKLIN LAKES

WHEREAS, the State of New Jersey encourages local units to enter into agreements for the joint provision of municipal services; and

WHEREAS, the State of New Jersey authorizes entering into such agreements for shared services pursuant to NJSA 40A:65-1 et. seq.; and

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") and the Borough of Franklin Lakes (the "Borough") had entered into a Shared Services Agreement on June 1, 2015 with a termination date of May 31, 2016 for the Authority to 1) act as the New Jersey Licensed Collection System Operator for the Borough; 2) respond to any and all sewer collection emergencies 24 hours a day, 7 day a week; 3) coordinate all third party repairs of the Collection System; 4) when necessary, coordinate, participate and correspond to any and all NJDEP inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System; 5) coordinate with the Borough and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System; and 6) the Borough will comply as soon as possible with all NBCUA requests records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation; and

WHEREAS, the Authority desires to enter into this agreement with the Borough for a duration of one (1) year subject to the terms and conditions set forth in said agreement attached hereto.

NOW THEREFORE, BE IT

RESOLVED, the Northwest Bergen County Utilities Authority agrees to enter into a Shared Services Agreement with the Borough of Franklin Lakes for a duration of one (1) year to act as the New Jersey Licensed Sewer Operator for the Borough in addition to other services as outlined above; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 60-2016

Date: July 19, 2016

AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF FRANKLIN LAKES

FURTHER RESOLVED, that the Chairman or Vice-Chairman of the Authority be and is hereby authorized on behalf of the Authority to execute the Shared Services Agreement with the Borough of Franklin Lakes annexed hereto and made a part thereof.


SECRETARY


VICE-CHAIRMAN

	Bonagura	Danubio	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelaheer	Plumley	Chewcaskie
Offered			✓						
Seconded						✓			
Aye	✓	✓	✓		✓	✓	✓	✓	✓
Nay									
Absent				✓					
Abstain									
Recuse									

INTRALOCAL SHARED SERVICE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of June 2016, by and among:

THE BOROUGH OF FRANKLIN LAKES, a Municipal Corporation of the State of New Jersey, in the County of Bergen, hereinafter referred to as "Franklin Lakes" and the NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY, doing business at 30 Wyckoff Avenue, P.O. Box 255, Waldwick, New Jersey 07463, hereinafter referred to as "NBCUA".

WHEREAS, the State of New Jersey encourages municipalities to enter into agreements for the joint provision of municipal services; and

WHEREAS, N.J.S.A.40A:65-1 et seq. authorizes the entering into contracts for the joint provision of services; and

WHEREAS, the Borough of Franklin Lakes and the NBCUA have researched the feasibility of entering into an agreement under the authority of Intralocal Shared Services, whereby the NBCUA would provide to Franklin Lakes the services of a licensed sewer operator, and

WHEREAS, Franklin Lakes has adopted Resolution # _____, which authorizes Franklin Lakes to enter into an agreement with the NBCUA, for the services of a licensed sewer operator as requested.

NOW, THEREFORE, this Agreement is entered into by and among the Borough of Franklin Lakes and the NBCUA for the purpose of defining and specifying the obligations of the parties and the Borough of Franklin Lakes and the NBCUA hereby agree as follows:

1. Pursuant to N.J.S.A. 40A:65-5, both the Borough of Franklin Lakes and the NBCUA shall adopt the appropriate Resolutions, which will formally authorize the entering into of this Agreement between the parties.
2. The duration of this Agreement shall be for a period of one (1) year following the commencement date and will supersede any previously agreed upon inter-local agreement between the Borough of Franklin Lakes and NBCUA for the services of a licensed sewer operator. The commencement date shall be June 1, 2016 and shall expire on May 31, 2017.
3. The NBCUA shall provide the following services to the Borough of Franklin Lakes:
 - A. The NBCUA shall act as the New Jersey Licensed Collection System Operator for the Borough of Franklin Lakes.
 - B. The NBCUA shall respond to any and all sewer collection emergencies 24 hours a day, seven days a week.

- C. NBCUA will coordinate all third party repairs of the Collection System.
- D. NBCUA, when necessary, coordinate, participate and correspond to any and all NJDEP and USEPA inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System.
- E. The Borough of Franklin Lakes will comply as soon as possible with all NBCUA requests for records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation.
- F. NBCUA will coordinate with the Borough of Franklin Lakes and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System.

4. NBCUA will provide all of the aforementioned services to the Borough of Franklin Lakes in accordance with federal and state regulations and standards for the operation of a collection system.

5. Fees - In consideration for the Licensed Collection System Operator services to be rendered by the NBCUA to Franklin Lakes, pursuant to Paragraph 3 (A) above, the Borough of Franklin Lakes shall pay the NBCUA four (4) equal installments of \$1,150.00 on or before September 1st, December 1st, March 1st and June 1st of each year, for a total annual compensation of \$4,600.00.

In consideration for services to be rendered by NBCUA to the Borough of Franklin Lakes, pursuant to Paragraph 3 (B thru F) above, the Borough of Franklin Lakes shall pay the NBCUA in accordance with the rates listed below:

Third Party Contractors for repairs and/or spare parts	\$ Direct Cost
Non- Business hrs – emergency responses (per man)	\$ 103.77/hr
Business hours emergency/non-basic repair	\$ 83.02/hr
Jet cleaning sanitary/storm lines	\$ 0.50/LF
Vac-out storm water catch basins/manholes (per man)	\$ 83.02/hr
TV Inspection (min. charge \$400)	\$ 0.82/LF
Manhole Inspection Program (upon request)	\$ TBD

NBCUA will provide quarterly invoices to the Borough of Franklin Lakes detailing services rendered pursuant to paragraph 3 (B through F above). The Borough of Franklin Lakes shall pay said invoices within 30 days of receipt.

6. To the fullest extent permitted by law, the Borough of Franklin Lakes shall release, indemnify, defend and hold harmless the NBCUA and its officers, trustees, directors, agents, representatives, attorneys and employees (collectively "Indemnified Parties") from any and all claims (including Workers Compensation claims), damages, losses, fines, civil penalties, liabilities, judgments, costs and expenses of any kind or nature whatsoever, including, but not limited to, interest, court costs and attorneys' fees, which in any way arise out of or result from this Agreement or any acts or omissions of the NBCUA, its employees, agents, representatives, or contractors in the performance of their obligations under this Agreement, including, but not limited to, injury to or death of any person, workers compensation claims, damage to or destruction of any property, real or personal, and liability or obligations under or with respect to any violation of federal, state and local laws, regulations, rules, codes and ordinances (including, but not limited to, those concerning environmental protection).

Nothing contained in this section shall be construed as a release or indemnity by the Borough of Franklin Lakes of an Indemnified Party from or against any loss, liability or claim to the extent arising from the gross negligence or willful misconduct of that Indemnified Party. This section shall not be construed to negate, abridge or otherwise reduce any other right to indemnity which would otherwise exist in favor of any Party, or any obligation of a Party, its officers, officials, employees, agents or contractors to indemnify any other Party. The Parties obligations under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits paid or payable by the Borough of Franklin lakes under workers' compensation laws, disability benefits laws or other employee benefit laws or regulations. The indemnification obligations of this section shall survive termination or expiration of this Agreement.

No Indemnified Party shall be liable for any injury or damage to the Borough of Franklin Lakes or to any person happening on, in or about the Borough, nor for any injury or damage to the Borough or to any property belonging to the Borough or to any other person that may be caused by fire, by breakage, or by the use, misuse or abuse of any Borough property, or that may arise from any other cause whatsoever unless arising solely from the willful misconduct or gross negligence of an Indemnified Party.

The NBCUA or other Indemnified Party (as applicable) will give timely notice to the Borough of Franklin Lakes of any action or proceeding brought against the NBCUA or other Indemnified Party (as applicable) by reason of any claims covered by the foregoing indemnities, together with documents served on the NBCUA or other Indemnified Party (as applicable) in connection therewith.

5. The parties agree that either party may terminate this Agreement by giving at least one (1) months' written notice to the other party.

6. Each party to this Agreement represents to the other party thereto that the Officials executing this Agreement are fully authorized and empowered to do so and to bind the parties to the terms of this Agreement, pursuant to law.

7. The parties recognize that the individuals who shall be designated as the Primary Contact Persons are, the Licensed Collection System Operator and Superintendent of the

NBCUA for the NBCUA and the Manager of the Borough's Public Works Department, for Franklin Lakes. The Primary Contact individual shall be noticed on all issues of importance and shall be responsible for initiating all requests for repairs and corrective actions to be carried out by NBCUA.

8. The primary contact person shall jointly and cooperatively implement and complete a reporting form to memorialize and record all required and/or performed repairs, corrective actions and responses for each pumping station.

9. The NBCUA agrees to comply with all applicable federal, state, county and municipal laws, rules and regulations.

10. The terms of this Agreement shall constitute the entire understanding between the parties and may only be amended by a written document executed by both parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this month, day and year first above written.

ATTEST:

BOROUGH OF FRANKLIN LAKES

By: _____

Date: _____

ATTEST:

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY

By: _____

Date: _____

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 61-2016

Date: July 19, 2016

CERTIFICATION OF AUDIT

RESOLVED,

The Commissioners of the Northwest Bergen County Utilities Authority reviewed, discussed and considered the Resolution entitled:

RESOLUTION CERTIFYING TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT EACH COMMISSIONER HAS PERSONALLY REVIEWED THE ANNUAL AUDIT REPORT FOR THE FISCAL YEAR ENDED DECEMBER 31, 2015 AND SPECIFICALLY HAS REVIEWED THE SECTION OF THE AUDIT REPORT ENTITLED "GENERAL COMMENTS" AND "RECOMMENDATIONS" AND HAS EVIDENCED SAME BY GROUP AFFIDAVIT IN THE FORM PRESCRIBED BY THE LOCAL FINANCE BOARD.


SECRETARY


vice-CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2015 has been completed and filed with the governing body and the Director of the Division of Local Government Services pursuant N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Northwest Bergen County Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended December 31, 2015, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this Resolution.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JULY 19, 2016.



SECRETARY

July 19, 2016

DATE

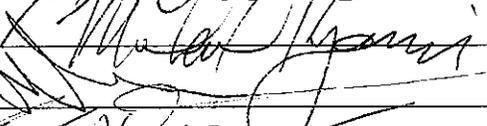
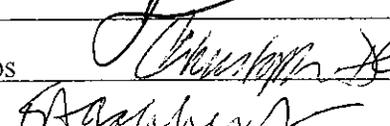
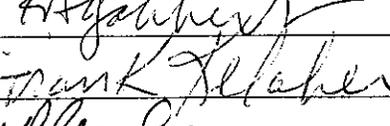
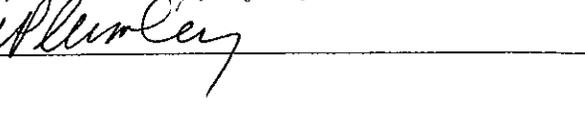
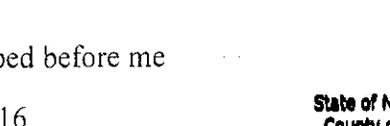
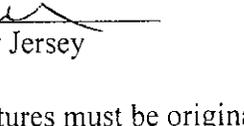
**LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM**

**PRESCRIBED BY
THE NEW JERSEY LOCAL FINANCE BOARD**

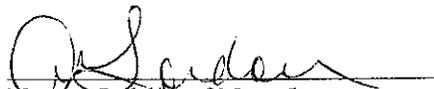
AUDIT REVIEW CERTIFICATE

We the members of the governing body of the **NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**, being of full age and 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, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 2015, and specifically the sections of the audit report entitled "General Comments" and "Recommendations."

<u>PRINT</u>	<u>SIGNATURES</u>
Brian Chewcaskie	
Michael Kasparian	
Dennis Bonagura	
John Danubio	
John DaPuzzo	
Christopher DePhillips	
Kenneth Gabbert	
Frank Kelaher	
Marion Plumley	

Sworn to and subscribed before me
this 19 day of July 2016


Notary Public of New Jersey

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

IMPORTANT: Signatures must be original. Photocopies not accepted.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 62-2016

Date: July 19, 2016

ACCEPT AUDIT

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, PA, has prepared and submitted the Annual Audit Report of the Northwest Bergen County Utilities Authority for the year ending December 31, 2015; and

WHEREAS, the Commissioners of the Northwest Bergen County Utilities Authority have reviewed the Audit Report and have found it to be in order; and

WHEREAS, the Commissioners find that it is in the best interest of the Northwest Bergen County Utilities Authority to accept the Audit Report as submitted.

NOW, THEREFORE, BE IT

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that the Audit Report for the year ending December 31, 2015 prepared by Ferraioli, Wielkotz, Cerullo & Cuva, PA, be and the same hereby is accepted as submitted and that the Secretary of the Authority be and she hereby is authorized to distribute same on behalf of the Authority; and be it

FURTHER RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the Secretary of the Authority is hereby directed to publish the synopsis and recommendations of this audit, as prepared by Ferraioli, Wielkotz, Cerullo & Cuva, PA, within thirty (30) days from receipt as required by law.


SECRETARY


VICE - CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 63-2016

DATE: July 19, 2016

**APPROVING CHANGE ORDER NO. 6 FOR
CONTRACT #268
INCINERATOR EMISSIONS UPGRADE PROJECT**

WHEREAS the Northwest Bergen County Utilities Authority (the "Authority") awarded Contract No. 268 – Incinerator Emissions Upgrade Project ("the Project") to Tomar Construction, LLC ("the Contractor") on February 17, 2015; and

WHEREAS the Contractor has requested certain changes to the Project as more particularly set forth in Change Order No. 6 attached hereto ("the Change Order"); and

WHEREAS the Authority's Engineer has reviewed the Contractor's proposed Change Order and determined that the Change Order is necessary to address labor and materials for additional work as outlined in the Change Order; and

WHEREAS the Authority's Engineer has recommended that the Change Order be approved by the Authority; and

WHEREAS the increase in the total cost of the Project as a result of this Change Order is \$94,357.13 and the increase in contract time is 55 calendar days; and

WHEREAS the Authority's staff has indicated that the Authority has sufficient funds to pay the Contractor for the Change Order; and

WHEREAS the Commissioners of the Authority have determined that the Change Order should be approved; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Authority that Change Order No. 6, to Authority Contract No. 268, is approved; and be it

FURTHER RESOLVED by the Commissioners of the Authority that the Authority's Engineer is directed to coordinate and oversee the work consistent with all other work on the Project; and be it

FURTHER RESOLVED that the Commissioners of the Authority direct that processing of payment to the Contractor for the Change Order be in accordance with the payment procedures of Contract No. 268.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 63-2016

DATE: July 19, 2016

APPROVING CHANGE ORDER NO. 6 FOR
CONTRACT #268
INCINERATOR EMISSIONS UPGRADE PROJECT

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at the meeting held on July 19, 2016.


SECRETARY


VICE-CHAIRMAN

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

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1. ISSUING OFFICE Northwest Bergen County Utilities Authority	2. PROJECT NO. S-340700-12	3. CONTRACT NO. 268	4. MODIFICATION NO. 006
5. TO (CONTRACTOR) Tomar Construction, llc 18 Connerty Court East Brunswick, NJ 08816		6. PROJECT LOCATION AND DESCRIPTION Incinerator Emissions Upgrade Project Northwest Bergen County Utilities Authority Borough of Waldwick, Bergen County	

7. A proposal is required for making the hereinafter described change in accordance with specification and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space indicated on page 2, attach detailed breakdown of prime and sub-contract costs (See the clause of this contract entitled, "Changes". DO NOT start work under this proposed change until you receive a copy signed by the Contracting Officer or a directive to proceed).

Date	Type Name and Title	Signature
------	---------------------	-----------

8. DESCRIPTION OF CHANGE: Pursuant to the clause of this contract covering changes, the contractor shall furnish all labor and material, and all work necessary to accomplish the following described work:

Labor and materials for additional Work. PCO #012; PCO #014, RFIs 54, 59, & 63; PCO #015, RFIs 60 & 62; PCO #016; PCO #017; and PCO #019 are attached.

As a result of the above, the contract price is revised as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
001	PCO #012 - Credit for Partition wall		\$ 3800.00	(credit)
002	PCO #014 - Passageway work per RFI 54, 59, & 63		\$ 36,844.06	
003	PCO #015 - Add. Exterior work per RFI 60 & 62		\$ 28,539.10	
004	PCO #016 - Flow Conditioner FE-814		\$ 4,472.20	
005	PCO #017 - Floor Drain for new addition		\$ 14,026.16	
006	PCO #019 - Add. Work per RFI 65, 79, & 87		\$ 14,275.61	

TOTAL COST OF THIS MODIFICATION \$ 94,357.13

The contract time is hereby: increase decrease or remains the same by 55 calendar days as a result of this modification.

The foregoing modification is hereby accepted:

Tomar Construction, llc	NBCUA	Chavond-Barry Engineering
CONTRACTOR	OWNER	(NYPE SEAL) ENGINEER
BY:	BY: _____	BY: _____
DATE: <u>7/12/2016</u>	DATE: _____	DATE: _____

APPROVAL:

STATE OF NEW JERSEY

DATE

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE Northwest Bergen County Utilities Authority	10. PROJECT NO. S-340700-12	11. CONTRACT NO. 268	12. MODIFICATION NO. 006
13. CONTRACTOR'S PROPOSAL – CHANGE IN CONTRACT PRICE (Detailed breakdown, attach additional sheets as necessary)			
(Proposed) Supporting documentation attached: <ul style="list-style-type: none"> - Tomar PCO #012 - Credit for partition wall between storage and adsorber rooms Rev 1 - Tomar PCO #014 - Cost for add. work in passageway per RFIs 54, 59, & 63 <ul style="list-style-type: none"> - RFI #054 - RFI #059 - RFI #063 - Tomar PCO #15 - Cost for add. work to exterior of new addition per RFIs 60 & 62 Rev.1 <ul style="list-style-type: none"> - RFI #060 - RFI #062 - Tomar PCO #16 - Flow conditioner for FE-814 <ul style="list-style-type: none"> - RFI #073 - Tomar PCO #17 - floor drain piping for new addition <ul style="list-style-type: none"> - RFI #022 - Tomar PCO #19 - additional work per RFI 65, 79, & 87 rev.1 <ul style="list-style-type: none"> - RFI #065 - RFI #079 - RFI #087 - 55 day extension to the contract date. The new contract completion date is 413 + 55 = 468 days from Notice to Proceed, June 08, 2016. 			
NET INCREASE \$ <u>94,357.13</u>		NET DECREASE \$ <u>0.00</u>	
DATE: <u>7/12/2016</u>		TYPE NAME AND TITLE: <u>THOMAS MOTTACKAL, PRESIDENT</u>	
CALENDER DAYS INCREASE <u>55</u> DAYS		SIGNATURE: 	

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO. S-340700-12 Northwest Bergen County Utilities Authority	15. CONTRACT NO. 268	16. MODIFICATION NO. 006
17. ORIGINAL CONTRACT BID PRICE \$ <u>5,948,000.00</u> TOTAL OF PREVIOUS CHANGE ORDERS \$ <u>191,857.99</u> TOTAL CONTRACT COST INCLUDING CHANGE ORDERS ... \$ <u>6,234,215.12</u>		
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: PCO #012: Partition wall between storage and Adsorber rooms was no longer needed PCO #014: Interfering structures and piping were found during demolition, which required additional work. PCO #015: The existing ash pipe interferes with planned installation of precast concrete band and aluminum faced suspended ceiling. PCO #016: Gas flow in pipe required additional conditioning for stable measurement. PCO #017: Floor drains and associated piping required for new construction. PCO #019: Additional work required to match rooftop accent bands, repair damaged rooftop parapet wall, and buildup curb to allow adding floor expansion joint to mismatched floor height at scrubber entrance to new building.		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: The structural engineering consultant for the project (T&M Associates) was utilized to develop design changes. The Consulting structural engineer also reviewed the Contractor's proposal, and aided in the development and submission of the change order. This work had no impact upon other contractors.		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative): In order to ensure the Authority was receiving a "fair and reasonable" price, the contract changes were reviewed by the Consulting Structural Engineer (T&M Associates). PCO #012, #014, #015, #017, #019 - proposals for installation work were reviewed, negotiated and accepted by the Consulting Structural Engineer. PCO #016 was reviewed and accepted by Chavond-Barry Engineering. A 55 day extension of the Contract Completion date was negotiated to 55 days.		
DATE:	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: Christopher Doelling, CBE	SIGNATURE:

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 64-2016

DATE: July 19, 2016

**APPROVING CHANGE ORDER NO. 7 FOR
CONTRACT #268
INCINERATOR EMISSIONS UPGRADE PROJECT**

WHEREAS the Northwest Bergen County Utilities Authority (the "Authority") awarded Contract No. 268 – Incinerator Emissions Upgrade Project ("the Project") to Tomar Construction, LLC ("the Contractor") on February 17, 2015; and

WHEREAS the Contractor has requested certain changes to the Project as more particularly set forth in Change Order No. 7 attached hereto ("the Change Order"); and

WHEREAS the Authority's Engineer has reviewed the Contractor's proposed Change Order and determined that the Change Order is necessary to address labor and materials for additional work to perform requested modifications to Mercury Adsorber PLC panel; and

WHEREAS the Authority's Engineer has recommended that the Change Order be approved by the Authority; and

WHEREAS the increase in the total cost of the Project as a result of this Change Order is \$15,986.66 and results in a zero calendar day increase of contract time; and

WHEREAS the Authority's staff has indicated that the Authority has sufficient funds to pay the Contractor for the Change Order; and

WHEREAS the Commissioners of the Authority have determined that the Change Order should be approved; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Authority that Change Order No. 7, to Authority Contract No. 268, is approved; and be it

FURTHER RESOLVED by the Commissioners of the Authority that the Authority's Engineer is directed to coordinate and oversee the work consistent with all other work on the Project; and be it

FURTHER RESOLVED that the Commissioners of the Authority direct that processing of payment to the Contractor for the Change Order be in accordance with the payment procedures of Contract No. 268.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 64-2016

DATE: July 19, 2016

**APPROVING CHANGE ORDER NO. 7 FOR
CONTRACT #268
INCINERATOR EMISSIONS UPGRADE PROJECT**

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at the meeting held on **July 19, 2016**.



SECRETARY



vice-CHAIRMAN

	Bonagura	Danubio	DaPuzzo	DePhillips	Gabbert	Kasparian	Kelاهر	Plumley	Chewcaskie
Offered			✓						
Seconded							✓		
Aye	✓	✓	✓		✓	✓	✓	✓	
Nay									
Absent				✓					✓
Abstain									
Recuse									

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE Northwest Bergen County Utilities Authority	10. PROJECT NO. S-340700-12	11. CONTRACT NO. 268	12. MODIFICATION NO. 007	
13. CONTRACTOR'S PROPOSAL - CHANGE IN CONTRACT PRICE (Detailed breakdown, attach additional sheets as necessary)				
<p>(Proposed)</p> <p>It was conveyed during the conference calls initiated by NBCUA/CBE on 6/15/2016 and 6/16/2016 that various I/O signals were to be moved and wired/terminated at the Mercury Adsorber System PLC Panel (APC). It was conveyed that Tomar and contractually associated subcontractors, suppliers and vendors (Tomar, APC etc. hereafter known as Tomar) would facilitate additional work in modifying the Mercury Adsorber System PLC Panel as expanded on in the attached documents (APC change order document dated June 21, 2016). The attached documents contain the scope of work as understood following the conference calls indicated above. NBCUA is electing to furnish the Discrete and Analog I/O cards as well as directly carry-out all the necessary wiring modifications, while Tomar provides the internal changes to the respective panel as indicated. It is understood from the conference call discussions that NBCUA shall take responsibility for the wiring work as needed. It is also understood that work shall be performed on a UL-listed panel (APC PLC panel) by only the supplier/fabricator (APC) of the panel and should any work be performed prior to the completion of this contract by any other unauthorized persons, this would void the warranty and guaranty during the 'maintenance period' of this contract for the said item. The attached proposal breakdown reflects the scope of work as understood.</p> <p>Tomar shall not bear any responsibility, liability, warranty for any that was not performed by Tomar. If another contractor, subcontractor, supplier and or vendor shall change or modify any work previously performed by Tomar, in accordance with the Project's specifications and to the Authority's satisfaction, Tomar shall not be liable for any damages caused by those changes or modifications.</p> <p>However, whereas Tomar has represented that the tasks set forth in the contract modification will take approximately 60 days, even though the authority will not extend the contract date, we will refrain from collecting any further LD's for the 60 days period. If the tasks are not complete within 60 days, the authority reserves it's right to resume withholding LDs.</p> <p>Supporting documentation attached:</p> <ul style="list-style-type: none"> - Tomar Quotation for \$15,986.66 - APC change order document dated June 21, 2016 <p style="text-align: right;">** see paragraph 3 on page 2, section 13 - refrain from withholding LDs for 60 days</p>				
NET INCREASE \$ 15,986.66		NET DECREASE \$ 0.00		CALENDER DAYS INCREASE zero, **DAYS
DATE: 7/12/2016		TYPE NAME AND TITLE: THOMAS MOTTACKAL, PRESIDENT		SIGNATURE: 

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO. S-340700-12 Northwest Bergen County Utilities Authority	15. CONTRACT NO. 268	16. MODIFICATION NO. 007
17. ORIGINAL CONTRACT BID PRICE \$ <u>5,948,000.00</u> TOTAL OF PREVIOUS CHANGE ORDERS \$ <u>286,215.12</u> TOTAL CONTRACT COST INCLUDING CHANGE ORDERS ... \$ <u>6,250,201.78</u>		
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: Control of critical Adsorber temperature control valves over network was discovered following review of ongoing work. Adsorber I/O to remain under direct control of Adsorber PLC, not via network. Critical I/O moved into Adsorber PLC cabinet for direct communication and control.		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: The Consulting SCADA engineer, process Engineer (CBE) and Contracted Integrator reviewed the Contractor's proposal, and aided in the development and submission of the change order. This work has a direct impact upon the integration contractor.		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative) : In order to ensure the Authority was receiving a "fair and reasonable" price, the contract changes were reviewed by the Authority and the Process Engineer.		
DATE:	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: Christopher Doelling, CBE	SIGNATURE:

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 66-2016

Date: July 19, 2016

**RESOLUTION TO AMEND FEE OF INSTRUMENTATION, AUTOMATION AND
COMPUTER SYSTEMS ENGINEERING SERVICES CONSULTANT**

WHEREAS, by Resolution No. 55-2015 dated May 19, 2015 (the “Original Resolution”) the Authority retained the firm of Engineered Solutions Corporation (ENSOCORP) to provide professional services related to instrumentation, automation and computer systems engineering support in the design, maintenance and troubleshooting of control and SCADA systems for both the normal plant facilities and the Incinerator Emissions Upgrade Project; and

WHEREAS, the Original Resolution provides for ENSOCORP’s compensation to be capped at \$50,000 and that in the event it anticipates it will exceed that amount, to seek further authorization from the Authority at such time; and

WHEREAS, ENSOCORP has advised the Authority that due to their ongoing work, the overall compensation to ENSOCORP will exceed \$50,000; and

WHEREAS, ENSOCORP has requested the Authority increase the not to exceed cost for services provided by their firm to \$85,000.

NOW, THEREFORE, BE IT RESOLVED, that the Northwest Bergen County Utilities Authority hereby amends the Original Resolution to increase the not to exceed amount to \$85,000 for services rendered by Engineered Solutions Corporation, but subject to the rates and all other terms and conditions of the Original Resolution; and be it

FURTHER RESOLVED, that the Original Resolution, unless expressly modified, remain in full force and effect.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 66-2016

Date: July 19, 2016

**RESOLUTION TO AMEND FEE OF INSTRUMENTATION, AUTOMATION AND
COMPUTER SYSTEMS ENGINEERING SERVICES CONSULTANT**

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 19, 2016.


SECRETARY


VICE-CHAIRMAN

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