

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONSENT RESOLUTION

Date: April 21, 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


- | | |
|---------|---|
| 40-2015 | Approval of Vouchers, Payroll and Tax Deposits |
| 41-2015 | Approval of Application for Proposed Sanitary Sewer Extension – Peterson Place, Township of Mahwah |
| 42-2015 | Authorization to hold Public Hearing – Revisions to the Rules, Regulations and Standards |
| 43-2015 | Retention of Special Counsel |
| 44-2015 | Award of Contract No. 266 – Midland Park and Goffle Road Pump Station Upgrades |
| 45-2015 | Resolution to rescind the Authority’s Selection of Auditor and General Counsel and Resubmit Nominations for Auditor and General Counsel |

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONSENT RESOLUTION

Date: April 21, 2015

- 46-2015 Retention of General Counsel for 2015
- 47-2015 Retention of Auditor for 2015
- 48-2015 Retention of Counsel for Special Legal Services
- 49-2015 Retention of Counsel for Special Legal Services


SECRETARY


CHAIRMAN

Roll Call Vote For 40-2015 through 44-2015

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

Roll Call Vote for Resolution 45-2015:

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

Roll Call Vote for Resolution 46-2015:

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

Roll Call vote for Resolution No. 47-2015:

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

Roll Call vote for Resolution No. 48-2015 & 49-2015:

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 40-2015

Date: April 21, 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 March 2015 and Health Benefits and Dental Benefits transfers for April 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 April 21, 2015 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$188,858.22

ACCOUNT: Tax Deposit Account
Total: \$89,506.55

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$107,205.72

ACCOUNT: Health Benefits Contribution Employee
Total: \$10,908.13

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 40-2015

Date: April 21, 2015

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

ACCOUNT: Dental Benefits
Total Transfer: \$4,157.55

ACCOUNT: PERS and Contributory Insurance
Total Transfer: \$31,224.23

ACCOUNT: PERS Employer Liability
Total Transfer: \$406,997.66

ACCOUNT: Operating Account
Total: \$431,080.31

ACCOUNT: General Improvement Account
Total: \$110,310.10

ACCOUNT: 2014 WWT Project Account
Total: \$9,824.95


SECRETARY


CHAIRMAN

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 41-2015

Date: April 21, 2015

**PROPOSED SANITARY SEWER EXTENSION – TOWNSHIP OF MAHWAH
PETERSON PLACE, BLOCK 139, LOT 25
TOWNSHIP OF MAHWAH, 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 Township of Mahwah (hereinafter referred to as the “Applicant”) for approval of a proposed sanitary sewer extension to be located at Block 139, Lot 25 (hereinafter referred to as the “Property”); and

WHEREAS, the Property proposes to provide sanitary sewer service to three proposed single family homes in the Township of Mahwah; and

WHEREAS, the Authority technical advisor has reviewed the application and the documents and drawings submitted in support thereof and, by memorandum dated March 17, 2015 has recommended that the Authority approve the Property, subject to fulfillment of certain terms and conditions, finding that when completed, the Property will contribute an average daily flow of 900 gallons per day (gpd), or 3 additional residential EDUs to the Authority’s systems; and

WHEREAS, it is recommended that the Authority approve the Property, 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 Township of Mahwah for approval of a proposed sanitary sewer extension to be located at Block 139, Lot 25 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 Township of Mahwah;
2. The installation of the sewers and appurtenances be inspected and approved by the Township of Mahwah;

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 41-2015

Date: April 21, 2015

**PROPOSED SANITARY SEWER EXTENSION – TOWNSHIP OF MAHWAH
PETERSON PLACE, BLOCK 139, LOT 25
TOWNSHIP OF MAHWAH, 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 Property;
6. That any manholes constructed or modified by reason of this Property 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 Property;
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. 41-2015

Date: April 21, 2015

**PROPOSED SANITARY SEWER EXTENSION – TOWNSHIP OF MAHWAH
PETERSON PLACE, BLOCK 139, LOT 25
TOWNSHIP OF MAHWAH, 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 Property 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									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 42-2015

Date: April 21, 2015

**AUTHORIZATION TO HOLD A PUBLIC HEARING – REVISIONS TO THE RULES,
REGULATIONS AND STANDARDS**

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) operates a wastewater treatment facility located in Waldwick, New Jersey; and

WHEREAS, the use and operation of the Authority sewage system and facilities is governed by certain Rules, Regulations and Standards previously developed by the Authority in accordance with state and federal law, and

WHEREAS, the Rules, Regulations and Standards of the Authority are a part of every service contract entered by and with the Authority; and

WHEREAS, on December 6, 2006 by Resolution No. 103-2006, the Authority made certain amendments to the Rules Regulations and Standards to include a Sewer Connection Fee Program; and

WHEREAS, as part of the program, the Authority would pay each municipality a service fee of 15% of a connection fee in their municipality, with a not-to-exceed amount of \$10,000.00 per connection; and

WHEREAS, the Authority desires to amend the service fee not-to-exceed amount of \$10,000 per connection to \$5,000 per connection; and

WHEREAS, in order to make any such amendments to the Rules, Regulations and Standards, the Authority is required to hold a public hearing to invite public comment and discussion concerning the proposed amended changes to the Rules, Regulations and Standards.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 42-2015

Date: April 21, 2015

**AUTHORIZATION TO HOLD A PUBLIC HEARING – REVISIONS TO THE RULES,
REGULATIONS AND STANDARDS**

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority that the Authority shall hold a public hearing on May 19, 2015 at 7:00pm in the offices of the Authority, located at 30 Wyckoff Avenue, Waldwick, New Jersey, concerning the proposed amendment to the Rules, Regulations and Standards of the Authority.

BE IT FURTHER RESOLVED, that the Secretary be and hereby is directed to cause notice of such public hearing to be published as required by law.



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. 43-2015

Date: April 21, 2015

**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 2015

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on January 16, 2015; and

WHEREAS, the Authority has received responses to the Request for Qualifications for the aforementioned position on January 30, 2015; 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: (a) 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 19-2015 the Authority identified several firms as qualified to perform legal services required by the Authority; and

WHEREAS, it has been determined that Chasan Leyner & Lamparello, PC has extensive experience in personnel matters and labor and employment law; and

WHEREAS, the Authority has determined that it is in its best interest to retain the professional services of Chasan Leyner & Lamparello, P.C., immediately because of the emergent nature of the Scope of Services set forth below and the firm has demonstrated, pursuant to Section 5 of the Authority's Request for Qualifications, inter alia: (i) experience and reputation in the field, (ii) knowledge of the Authority and its subject matter, (iii) availability to accommodate the required meetings of the Authority, and (iv) other factors demonstrated to be in the best interest of the Authority; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 43-2015

Date: April 21, 2015

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

WHEREAS, the scope of services for special legal services is as follows: a) an analysis of the Arbitration Award; b) an evaluation of potential exposure to future claims resulting from the Arbitration Award; and c) appellate services if requested by the Authority all in connection with the March 9, 2015 arbitration award against the Authority in the Alvarez v. Northwest Bergen County Utilities Authority; and

WHEREAS, the Authority has determined that it is in its best interest to retain the firm of Chasan, Leyner & Lamparello, PC 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 Chasan, Leyner & Lamparello, PC; and

BE IT FURTHER RESOLVED the Commissioners of the Northwest Bergen County Utilities Authority hereby authorize and ratify the preparation and execution of the Professional Services Agreement, signed by the Executive Director of the Authority; and

BE IT FURTHER RESOLVED, compensation to the professional will be at the rate of \$150 per hour, in an amount not to exceed \$18,000; and

BE IT FURTHER RESOLVED, that in the event that Chasan, Leyner & Lamparello anticipates it will exceed the amount set forth, it shall seek further authorization from the Authority at such time.

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.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 43-2015

Date: April 21, 2015

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

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 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. 44-2015

Date: April 21, 2015

**AWARD BID – CONTRACT #266
GOFFLE ROAD AND MIDLAND PARK PUMP STATION UPGRADES**

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) solicited bid proposals in connection with Contract No. 266 – Goffle Road and Midland Park Pump Station Upgrades; and

WHEREAS, bid proposals were received by the Authority on October 15, 2014; and

WHEREAS, the bid package requested: (i) a base bid for installation of a force main bypass connection and valve actuators at the Goffle Road pump station and replacement of two pairs of existing parallel pumps with two pairs of vertical pumps connected in a series at the Midland Park pump station; and (ii) an alternate A-1 bid for the installation of a trolley beam at the Midland Park pump station; and

WHEREAS, the Authority desires to award the base bid with the alternate; and

WHEREAS, the total bid amounts which includes alternate A-1 from the three lowest bidders are as follows:

Longo Electrical-Mechanical, Inc.	\$506,263.10
Rapid Pump & Meter Services Co., Inc.	\$645,850.00
Coppola Services, Inc.	\$637,000.00; and

WHEREAS, the Authority’s awarded Contract #266 top Coppola Services, Inc. on December 9, 2014, after the Authority’s professionals advised that the bid by Longo Electrical-Mechanical, Inc. was not responsive; and

WHEREAS, Longo Electrical-Mechanical, Inc. filed suit in the Superior Court, Law Division, (“the Longo litigation”) challenging the determination that its bid was not responsive; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 44-2015

Date: April 21, 2015

**AWARD BID – CONTRACT #266
GOFFLE ROAD AND MIDLAND PARK PUMP STATION UPGRADES**

WHEREAS, Coppola Services, Inc. was a party to the Longo litigation; and

WHEREAS, Longo Electrical-Mechanical, Inc. confirmed in connection with its bid on Contract #266 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; and

WHEREAS, the Longo litigation was resolved by the entry of a Consent Order entered by the Honorable Lisa Perez-Frisica, J.S.C., on April 14, 2015, which (1) vacated the Resolution of Award to Coppola Services, Inc., (2) determined that Longo Electrical-Mechanical, Inc. is a responsive bidder, and (3) authorized the Authority to make a new award of Contract #266 before June 13, 2015; and

WHEREAS, the Authority certifies that sufficient funds continue to be available to award this project to Longo Electrical-Mechanical, Inc.; and

WHEREAS, the Commissioners of the Authority have determined that it is in the best interest of the Authority to accept the bid of Longo Electrical Mechanical, Inc. for Contract #266.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority that the bid of Longo Electrical Mechanical, Inc. for the total bid amount including alternate A-1 of \$506,263.10 for Contract #266 – Goffle Road and Midland Park Pump Station Upgrades – be and the same is hereby accepted; and be it

FURTHER RESOLVED, that that the Chairman or Vice Chairman of the Authority shall be and is hereby authorized to execute any such contract with Longo Electrical Mechanical, Inc. for Contract #266 on behalf of the Authority, subject to review and approval of the Consulting Engineer and General Counsel.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 44-2015

Date: April 21, 2015

**AWARD BID – CONTRACT #266
GOFFLE ROAD AND MIDLAND PARK PUMP STATION UPGRADES**

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 2015.


SECRETARY


CHAIRMAN

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

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NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 45-2015

Date: April 21, 2015

**RESOLUTION TO RESCIND THE AUTHORITY'S SELECTION
OF AUDITOR AND GENERAL COUNSEL AND RESUBMIT NOMINATIONS FOR
AUDITOR AND GENERAL COUNSEL**

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority"), by Resolution 21-2015, selected Lerch, Vinci & Higgins, LLP, to serve as the Auditor for the Authority for 2015; and

WHEREAS, by Resolution 25-2015, the Authority selected Sokol Behot, LLP, to serve as General Counsel for the Authority for 2015; and

WHEREAS, by letter dated March 3, 2015, the County Executive issued a conditional veto of portions of the Authority's February 17, 2015 Minutes including Resolution 21-2015 selecting the Authority's Auditor and Resolution 25-2015 selecting the Authority's General Counsel; and

WHEREAS, the County Executive issued the conditional veto subject to the Authority releasing the minutes from its Closed Session discussion of the appointment of the Authority's Auditor and General Counsel and the County Executive's review of those Closed Session minutes; and

WHEREAS, on March 17, 2015, the Authority voted to release the minutes from the February 17, 2015 Closed Session and forwarded those Closed Session minutes to the County Executive; and

WHEREAS, the Authority received correspondence from the County Executive dated April 20, 2015 indicating that he is, generally, satisfied that the Authority has adequately addressed his concerns; and

WHEREAS, the Authority has determined to resubmit nominations for the Authority's Auditor and General Counsel for a vote by the full Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Northwest Bergen County Utilities Authority hereby determine that Resolution 21-2015, selecting the Authority's Auditor, and Resolution 25-2015, selecting the Authority's General Counsel, are rescinded; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 45-2015

Date: April 21, 2015

**RESOLUTION TO RESCIND THE AUTHORITY'S SELECTION
OF AUDITOR AND GENERAL COUNSEL AND RESUBMIT NOMINATIONS FOR
AUDITOR AND GENERAL COUNSEL**

BE IT FURTHER RESOLVED that the Commissioners of the Northwest Bergen County Utilities Authority shall review the firms and individuals qualified to provide auditing and general counsel services for 2015 to the Authority and select anew an Auditor and General Counsel for 2015; and

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 Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 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. 46-2015

Date: April 21-2015

RETENTION OF GENERAL COUNSEL FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) has adopted the fair and open process pursuant to N.J.S.A. 19:44A-20.7 with respect to the retention of the following professional:

GENERAL COUNSEL FOR 2015

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on **January 16, 2015**; and

WHEREAS, the Authority received responses to the Request for Qualifications for the aforementioned position by the deadline date of **January 30, 2015**; and

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

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

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 46-2015

Date: April 21-2015

RETENTION OF GENERAL COUNSEL FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

WHEREAS, by **Resolution 19-2015**, the Authority identified a number of firms as qualified to perform the legal services required by the Authority; and

WHEREAS, the firm of Chasan, Leyner, Lamparello, PC is deemed to be highly qualified and capable of providing legal services to the Authority based upon the extensive experience of members and associates of the firm; and

WHEREAS, the Authority has determined that Chasan, Leyner, Lamparello PC, shall provide professional legal services to the Authority, including all matters which, in the opinion of the Commissioners of the Authority, shall be referred to General Counsel, including, but not limited to the following:

- a. Attendance at work sessions, regular, special and emergency meetings of the Authority Commissioners, including meetings outside of Bergen County, at municipal offices, County offices, State government offices and non-governmental offices;
- b. Attendance at all other meetings which the Commissioners or Executive Director deem necessary that General Counsel attend;
- c. Attendance at all public hearings (budget, rates, plan amendments, amendments to Wastewater Rules and Regulations, etc.);
- d. Attendance at all Commissioners' standing committee meetings as requested;
- e. Consultation (in person and/or by telephone) with Commissioners, staff, department heads and Authority personnel requiring the performance of legal services relating to Authority matters;
- f. Representation in any and all regulatory proceedings before State agencies, including but not limited to the New Jersey Department of Environmental Protection and the Office of Administrative Law ('OAL');
- g. Consultation and legal services related to Open Public Records Act and Open Public Meetings Act compliance;
- h. Representation in any and all litigation in which the Commissioners authorize General Counsel to represent the Authority's interest(s);

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 46-2015

Date: April 21-2015

RETENTION OF GENERAL COUNSEL FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

- i. Research and preparation of legal opinions requested by the Commissioners, Executive Director or his designee, or initiated by General Counsel in the performance of requisite legal services on behalf of the Authority;
- j. Review of correspondence referred to General Counsel by the Commissioners, Executive Director, Authority staff or consultants, and preparation of correspondence initiated by General Counsel in the performance of General Counsel's requisite legal services on behalf of the Authority;
- k. Legal Services relating to the preparation and/or review of agreements, resolutions, bid specifications, bid proposals and contracts, as required by the Commissioners or the Authority's Executive Director, or his designee;
- l. Attention to non-routine contract issues as may be assigned by the Authority from time to time with respect to special projects;
- m. Any and all other matters for which the services of General Counsel are deemed necessary by the Commissioners of the Authority;
- n. Review and/or preparation of routine (i.e. transmittal) correspondence (excluding, e.g., legal opinions);
- o. Preparation of monthly synopsis of General Counsel's legal services performed on behalf of the Authority
- p. Upon receipt, review of draft meeting minutes of work session, regular, special, and emergency meeting minutes of the Authority Commissioners;
- q. Review certification of meeting minutes of the Authority subject to the approval of the Bergen County Executive pursuant to N.J.S.A. 40:14B-14(b);
- r. Preparation and review of public bidding specifications for compliance with Local Public Contracts Law;
- s. Drafting and preparation of Authority Resolutions as requested and review of all in-house prepared Resolutions;
- t. Review and interpretation of contracts, resolutions and other legal documents as required to ensure the proper conduct of the Authority;
- u. Provide legal advice when required that deal with day-to-day operation of the Authority;
- v. Consultation with Board officers and staff, in person, or by telephone, when required;
- w. Attend to matters involving municipal relations and issues involving the Department of Environmental Protection and other State and Federal Agencies.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 46-2015

Date: April 21-2015

RETENTION OF GENERAL COUNSEL FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

WHEREAS, Chsan, Leyner, Lamparello, PC's rates for performing these legal services shall be as follows:

Position	Amount per Hour
Attorneys	\$150.00
All Law Clerks and Paralegals	\$65.00

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby retains the firm of Chasan, Leyner, Lamparello, PC for the twelve-month term commencing on the date of this resolution, subject however, that either party may terminate this agreement upon 30 days written notice to the other with or without cause; and

BE IT FURTHER RESOLVED that the Chairman of the Authority is hereby authorized to execute the Professional Services Agreement required for execution and delivery by the Authority and the professional, with compensation to the professional at the aforementioned rates, in an amount not to exceed **\$60,000**; and

BE IT FURTHER RESOLVED that, in the event that Chsan, Leyner, Lamparello, PC anticipates it will exceed the amount set forth herein, it shall seek further authorization from the Authority at such time; and

BE IT FURTHER RESOLVED that notice of the contract award shall be advertised in accordance with applicable law; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

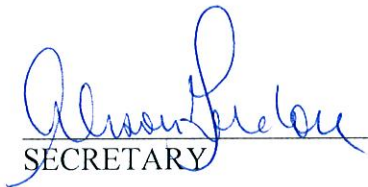
No. 46-2015

Date: April 21-2015

RETENTION OF GENERAL COUNSEL FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

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

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 2015.


SECRETARY

VICE-CHAIRMAN 

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2015

Date: April 21, 2015

RETENTION OF AUDITOR FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

WHEREAS, the Northwest Bergen County Utilities Authority (the "Authority") has adopted the fair and open process pursuant to N.J.S.A. 19:44A-20.7 with respect to the retention of the following professional:

AUDITOR FOR 2015

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on **January 5, 2015**; and

WHEREAS, the Authority received responses to the Request for Qualifications for the aforementioned position by the deadline date of **January 21, 2015**; and

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

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

WHEREAS, the Authority intended to qualify a person and/or firm that: (i) possessed the professional, financial and administrative capabilities to provide the proposed auditing 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, by **Resolution No. 17-2015**, the Authority identified a number of firms as qualified to perform the auditing services required by the Authority; and

WHEREAS, the firm of Ferraioli, Wielkotz, Cerullo & Cuva, PA was determined to be highly qualified and eminently capable of providing auditing services to the Authority; and

WHEREAS, the Authority has determined that it is in its best interest to retain the firm of Ferraioli, Wielkotz, Cerullo & Cuva, PA as set forth in this Resolution; and

WHEREAS, the services to be provided shall be as follows:

- Preparation of unaudited Y/E financial statement and required Journal Entries (Y/E Closeout) for 2015
- Preparation of Annual Statutory Audit for 2015

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2015

Date: April 21, 2015

RETENTION OF AUDITOR FOR 2015 PURSUANT TO N.J.S.A. 19:44A-20.4

- Preparation of Semi-Annual Unaudited Financial Statement ending June 30, 2015
- Connection Fee Rate Preparation of 2015 Sewer Update and Public Hearing
- Review of the Authority Deferred Compensation Plan
- Preparation & Filing of Arbitrage Rebate Analysis (2009)
- Review and Support in Preparation of 2016 Annual Budget
- Secondary Market Bond Disclosure Form (EMMA Filing Requirement)

WHEREAS, services rendered on behalf of the Authority, not listed above will be billed based upon Ferraioli, Wielkotz, Cerullo & Cuva, PA's standard billing rates, as follows:

POSITION	AMOUNT PER HOUR
Partners	\$185.00
Managers	\$145.00
Senior Accountants	\$105.00
Staff Accountants	\$85.00
Administrative Staff	\$60.00

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby retains Ferraioli, Wielkotz, Cerullo & Cuva, PA for the year ending December 31, 2015 and until a successor has been named.

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 in the amount of not to exceed seventy-two thousand (\$72,000) Dollars.

BE IT FURTHER RESOLVED, that in the event that Ferraioli, Wielkotz, Cerullo & Cuva, PA anticipates it will exceed the amount set forth, it shall seek further authorization from the Authority at such time.

BE IT FURTHER RESOLVED, that notice of the contract award shall be advertised in accordance with applicable law; and

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 47-2015

Date: April 21, 2015

RETENTION OF AUDITOR FOR 2015 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 Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 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. 48-2015

Date: April 21, 2015

**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:

SPECIAL LEGAL SERVICES FOR 2015

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on January 16, 2015; and

WHEREAS, the Authority has received responses to the Request for Qualifications for the aforementioned position on January 30, 2015; 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: (a) 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 19-2015 the Authority identified several firms as qualified to perform legal services required by the Authority, including Sokol Behot, LLP; and

WHEREAS, the Authority is a party to ongoing litigation captioned as Northwest Bergen County Utilities Authority v. Kathleen Donovan, County Executive of the County of Bergen, Supreme Court Docket No. 075060 ("NBCUA v. Donovan"), which is currently on appeal before the New Jersey Supreme Court; and

WHEREAS, the Authority has been represented by Sokol Behot, LLP in NBCUA v. Donovan; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 48-2015

Date: April 21, 2015

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

WHEREAS, the Authority has been determined that Sokol Behot, LLP has extensive experience in this particular matter and that it is in the best interests of the Authority for Sokol Behot, LLP to continue representing the Authority in this action; 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 Sokol Behot, LLP, to continue to represent the Authority in the NBCUA v. Donovan matter; and

BE IT FURTHER RESOLVED the Commissioners of the Northwest Bergen County Utilities Authority hereby authorize and ratify the preparation and execution of the Professional Services Agreement, signed by the Executive Director of the Authority; and

BE IT FURTHER RESOLVED, compensation to the professional will be at the rate of \$150 per hour, in an amount not to exceed \$10,000; and

BE IT FURTHER RESOLVED, that in the event that Sokol Behot, LLP anticipates it will exceed the amount set forth, it shall seek further authorization from the Authority at such time.

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.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 48-2015

Date: April 21, 2015

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

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 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. 49-2015

Date: April 21, 2015

**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:

SPECIAL LEGAL SERVICES FOR 2015

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on January 16, 2015; and

WHEREAS, the Authority has received responses to the Request for Qualifications for the aforementioned position on January 30, 2015; 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: (a) 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 19-2015 the Authority identified several firms as qualified to perform legal services required by the Authority including Sokol Behot, LLP; and

WHEREAS, the Authority awarded Contract # 259 for Franklin Lakes Business District Sanitary Sewer project ("Contract #259") to Underground Utilities Corporation ("Contractor"); and

WHEREAS, in connection with Contract #259, the Contractor and the Authority have disagreed as to whether certain activities necessary to close out the project are included in the project specifications or whether those certain activities constitute change orders for which the Contractor is entitled to additional compensation; and

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 49-2015

Date: April 21, 2015

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

WHEREAS, in connection with Contract #259, the Contractor and the Authority have disagreed as to the payments due to the Contractor and whether the Authority is entitled to liquidated damages due to the Contractor's delay in substantially completing Contract #259; and

WHEREAS, on August 12, 2014, the Contractor filed for mediation with the American Arbitration Association in accordance with the terms of Contract #259 ("the Mediation"); and

WHEREAS, the Authority has been represented by Sokol Behot, LLP in connection with the Mediation; and

WHEREAS, the Authority has determined that Sokol Behot, LLP has extensive experience in this particular matter and that it is in the best interests of the Authority for Sokol Behot, LLP to continue representing the Authority in connection with the Mediation; 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 Sokol Behot, LLP, to continue to represent the Authority in connection with the Mediation; and

BE IT FURTHER RESOLVED the Commissioners of the Northwest Bergen County Utilities Authority hereby authorize and ratify the preparation and execution of the Professional Services Agreement, signed by the Executive Director of the Authority; and

BE IT FURTHER RESOLVED, compensation to the professional will be at the rate of \$150 per hour, in an amount not to exceed \$18,000; and

BE IT FURTHER RESOLVED, that in the event that Sokol Behot, LLP anticipates it will exceed the amount set forth, it shall seek further authorization from the Authority at such time.

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

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 49-2015

Date: April 21, 2015

**RETENTION OF COUNSEL FOR SPECIAL LEGAL SERVICES
PURSUANT TO 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 Commissioners of the Authority eligible to vote at a regular meeting held on April 21, 2015.


SECRETARY


CHAIRMAN

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

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