

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
NOVEMBER 21, 2016**

**In the matter of the 452nd Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the November 21, 2016, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Louis J. DeLisio, Vice Chairman
Catherine T. Bentz, Commissioner
Bruce Bonaventuro, Commissioner
James L. Cassella, Commissioner
Paul A. Juliano, Commissioner
Thomas S. Kelley, Commissioner
Jon Warms, Commissioner
George P. Zilocchi, Commissioner

ALSO PRESENT: Robert E. Laux, Executive Director
Richard D. Wierer, Deputy Executive Director
Authority Staff and Professional Consultants

3. Motion that the Minutes covering the October 27, 2016 Work Session be approved was moved by Commissioner DeLisio and Seconded by Commissioner Kelley and was carried. Commissioner Cassella abstained.

4. Chairman Phillips opened the meeting to the public and asked if anyone present wished to be heard. The meeting was closed to the public.

5. FINANCE AND LEGAL COMMITTEE:

Resolution 16-1-046 - Approve bills and the claims supported by vouchers totaling \$2,281,692.96 for the month of November and authorize the Acting Treasurer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Acting Treasurer's check list. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-047 - Resolution to Establish the Annual Schedule of Meetings for 2017. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-1-048 - Authorize Shared Services Agreement with the Borough of Little Ferry for the Provision of Municipal Services. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Zilocchi. A roll call was taken and the resolution was adopted as reflected in these minutes.

6. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 16-2-074 - Award Contract No. 16-20 to Eastern Controls, Inc. - Furnish and deliver Bisulfite Hose Replacement (One Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-075 - Award Contract No. 16-23 to Telog Instruments - Furnish and Deliver Telog Meters and Parts (One Year). Motion to adopt the resolution was made by Commissioner Juliano and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 16-2-076 - Pulled from Agenda

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 16-3-006 - Authorize Chairman and Executive Director to execute the Supervisors' Association Collective Bargaining Agreement for the term 1/1/16 - 12/31/19. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. Chairman Phillips announced a short recess to allow time for the Board Secretary to prepare minutes of this Regular Meeting.

9. Chairman Phillips announced the Regular Meeting would reconvene.

10. The Board Secretary then distributed proposed minutes of the November 21, 2016 Regular Meeting for review by the Commissioners.

11. Move to approve the Minutes of the Regular Meeting of November 21, 2016 as distributed by the Secretary, such minutes to include this motion approving the minutes, without the requirement of further review or approval at a subsequent Regular Meeting. Motion to adopt the Minutes of the Regular Meeting November 21, 2016 was made by

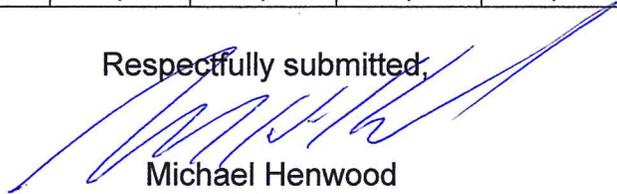
BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
November 21, 2016

Commissioner Bentz and Seconded by Commissioner Kelley and was unanimously carried.

12. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Resolution #	16-1-046	16-1-047	16-1-048	16-2-074	16-2-075	16-3-006
Chairman Phillips	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	Y	Y	Y	Y	Y	Y
Comm. Bentz	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y
Comm. Juliano	Y	Y	Y	Y	Y	Y
Comm. Kelley	Y	Y	Y	Y	Y	Y
Comm. Warms	Y	Y	Y	Y	Y	Y
Comm. Zilocchi	Y	Y	Y	Y	Y	Y

Respectfully submitted,



Michael Henwood
Board Secretary

Y = Yes
R = Recuse
A = Abstain
N = No
- = Absent

Date: November 21, 2016

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority that the **Annual Schedule of Meetings for the Year Commencing January 1, 2017** shall be and is set forth on the notice on file in the Office of the Executive Director and annexed hereto; and

BE IT FURTHER RESOLVED that the Executive Director or his designee shall cause said notice to be published in the official publication of the Authority before January 1, 2017 and

BE IT FURTHER RESOLVED that the formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to N.J.S.A. 40:14B-14.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 21, 2016.



Michael Henwood
Secretary

Dated: November 21, 2016



Bergen County Utilities Authority
2017 Meeting Dates

**** All Work Sessions are 6:00 p.m. ****

**** All Regular Meetings are immediately following the Work Sessions ****

Thursday	January 26	Work Session & Regular
Thursday	February 23	Work Session & Regular
Thursday	March 23	Work Session & Regular
Thursday	April 27	Work Session & Regular
Thursday	May 25	Work Session & Regular
Thursday	June 22	Work Session & Regular
Thursday	July 27	Work Session & Regular
Thursday	August 24	Work Session & Regular
Thursday	September 28	Work Session & Regular
Thursday	October 26	Work Session & Regular
Monday	November 20	Work Session & Regular
Thursday	December 21	Work Session & Regular

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (“Authority”) is a county utilities authority, organized pursuant to N.J.S.A. 40:14B-1 et seq. and authorized to provide, inter alia, sewage collection and disposal services and the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution on behalf of its constituent members; and

WHEREAS, the Borough of Little Ferry (“Borough”) is a municipal corporation of the State of New Jersey, organized pursuant to N.J.S.A. 40A:60-1 et seq., and authorized to provide essential municipal services to protect the public health, safety and welfare of its inhabitants; and

WHEREAS, the Borough is a constituent municipality in the Authority’s sewer service district; and

WHEREAS, the Authority owns, operates and maintains a wastewater treatment plant located in the Borough; and

WHEREAS, the Authority’s wastewater treatment plant and administrative facilities comprise approximately one-third (1/3) of the total land within the Borough; and

WHEREAS, in lieu of any other compensation or payment(s), the Authority agrees to pay to the Borough for the 2016 calendar year only, the sum of **\$150,000.00** for the Borough providing to the Authority extraordinary services above and beyond the providing of standard or routine municipal services historically and presently provided by the Borough to the Authority; and

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

WHEREAS, the Authority has engaged in discussions with the Borough regarding the nature and extent of providing municipal services, and the Authority’s payment of compensation for said services for the 2016 calendar year and considers the formation of an agreement to be necessary and/or desirable for the Authority’s continued efficient operations; and

WHEREAS, the Executive Director has reviewed a proposed inter-local agreement with the Borough and recommends that the Commissioners of the Authority accept the terms

16-1-048

of the proposed agreement with the Borough on file at the Authority offices, for the provision of extraordinary municipal services to the Authority for the calendar year 2016; and

WHEREAS, the Acting Chief Financial Officer of the Authority has certified that funds are available for this purpose and his Certificate is on file at the Authority.

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

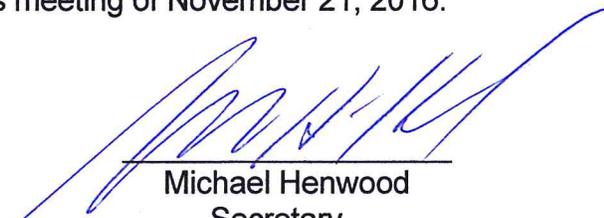
1. The Chairman shall be and he is hereby authorized to execute an Agreement with the Borough of Little Ferry in final form acceptable to the Commissioners, as evidenced by the Chairman's signature thereon, for the providing of extraordinary municipal services by the Borough of Little Ferry to the Authority during calendar year 2016 for the total sum of **\$150,000.00** to be paid by the Bergen County Utilities Authority to the Borough of Little Ferry.

2. A copy of this Resolution and the Agreement entered into with the Borough of Little Ferry pursuant to this Resolution shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the Authority.

3. The Acting Chief Financial Officer's Certification confirming the availability of funds for this obligation shall be placed on file and made available for public inspection in the Office of the Executive Director.

4. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14(b).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 21, 2016.



Michael Henwood
Secretary

DATED: November 21, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/21/2016

RESOLUTION #: 16-1-048

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT SHARED SERVICES
A-620-55300-000

VENDOR BOROUGH OF LITTLE FERRY

CONTRACT NUMBER N/A

REASON SHARED SERVICES AGREEMENT

AMOUNT \$150,000.00

CONTRACT LENGTH JANUARY 1, 2016 TO DECEMBER 31, 2016

Mathew McCarter

ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") solicited bid proposals to **Furnish and Deliver Bisulfite Hose Replacement (for a One (1) Year Period)**, pursuant to and in accordance with **Contract No. 16-20**; and

WHEREAS, no bid proposals were received by the Authority on either of two occasions, on the dates set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 16-20**; and

WHEREAS, the Authority's Commissioners, by way of Resolution 16-2-071 adopted October 27, 2016, authorized the Executive Director or his designee to enter into contract negotiations, as permitted under N.J.S.A. 40A:11-5 in order to form a contract to **Furnish and Delivery Bisulfite Hose Replacement (for a One (1) Year Period)** pursuant to and in accordance with **Contract No. 16-20**; and

WHEREAS, as part of the contract negotiations authorized by Resolution 16-2-071, the Authority received one (1) competitive proposal from **Eastern Controls, Inc.** for **Contract No. 16-20** for a total sum of **\$75,186.60**; and

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed the sole competitive proposal and has recommended that **Eastern Controls, Inc.** should be awarded **Contract No. 16-20 to Furnish and Delivery Bisulfite Hose Replacement (for a One (1) Year Period)** for a total sum of **\$75,186.60** as the lowest complying and responsible vendor in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Eastern Controls, Inc.** constitutes the lowest complying and responsible vendor for **Contract No. 16-20**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the awarding of **Contract No. 16-20 to Furnish and Delivery Bisulfite Hose Replacement (for a One (1) Year Period)** is necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for this purpose.

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

1. **Eastern Controls, Inc.** shall be and is hereby determined to be the lowest complying and responsible vendor to **Furnish and Deliver Bisulfite Hose Replacement (for a One (1) Year Period)**, constituting **Contract No. 16-20** for a total sum of **\$75,186.60**.

16-2-074

2. The Chairman shall be and he is hereby authorized to execute an agreement with **Eastern Controls, Inc. to Furnish and Deliver Bisulfite Hose Replacement (for a One (1) Year Period)**, constituting **Contract No. 16-20** for a total sum of **\$75,186.60**.
3. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.
4. A notice of this contract award shall be published in the form prescribed by law.
5. A copy of Resolution 16-2-071, this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 16-20, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Eastern Controls, Inc. and the Authority.
6. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 21, 2016.



Michael Henwood
Secretary

Dated: November 21, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/21/2016
RESOLUTION #: 16-2-074

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE X

FUNDS ARE NOT AVAILABLE _____

BUDGET ACCOUNT PIPES VALVES AND FITTINGS
W-630-63100-000

VENDOR EASTERN CONTROLS, INC.

CONTRACT NUMBER 16-20

REASON FURNISH & DELIVER BISULFITE HOSE
REPLACEMENT (FLEXIBLE CHEMICAL PIPING)

AMOUNT \$75,186.60

CONTRACT LENGTH DECEMBER 1, 2016 TO NOVEMBER 30, 2017

Matthew Carter
ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, the operation and maintenance of an effective and efficient water pollution control system represents a vital responsibility of government that is essential to ensuring the health, safety, and welfare of those whose daily life activities depend on such a system; and

WHEREAS, the Bergen County Utilities Authority (“Authority”) plays an important role in providing these essential services within the Authority’s sewer service district, which is comprised of forty-seven (47) municipalities in the County of Bergen serving approximately 575,000 people; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13(d), the Authority is permitted to acquire goods and or services of a proprietary nature provided that the acquisition meets the definition set forth in the statute; and

WHEREAS, N.J.A.C. 5:34-9.1 of the Local Public Contracts Law Regulations sets forth the requirements that must be followed in order to acquire said goods and/or services of a proprietary nature; and

WHEREAS, it has been brought to the attention of the Board of Commissioners of the Authority that there is a need to invoke this statute for the acquisition of certain parts and services (“Required Parts”) for the Authority’s Flow Information Management System (“FIMS”) which design calls for the use of a cellular-based remote telemetry unit at metering sites within the Authority’s collection system to measure and record sewage flow data as well as the use of information management software; and

WHEREAS, Telog Company designed the FIMS that the Authority utilizes and Telog Company is the sole and exclusive manufacturer of the Required Parts specifically designed to fit in the FIMS which are needed to be acquired by the Authority; and

WHEREAS, based upon the above, the Authority must acquire the specific Required Parts that are essential for the operation of the Authority’s FIMS and which Required Parts are solely and exclusively manufactured by Telog Company and a “brand name or equivalent” bid is not feasible for the acquisition of the Required Parts, along with the associated computer software system; and

WHEREAS, based upon the above, the Required Parts are “proprietary” under N.J.S.A. 40A:11-2(39); and

WHEREAS, acquisition of the Required Parts by the Authority is necessary for the efficient operation of the Authority.

WHEREAS, based upon the above, by Resolution 16-2-069 adopted September 22, 2016, the Board of Commissioners of the Authority authorized the Authority’s Qualified Purchasing Agent to prepare bid specifications for the acquisition of the required parts, and for acquisition of the associated computer software system to the extent public bidding is required for same, for the

Authority's FIMS using proprietary language pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1.

WHEREAS, pursuant to and consistent with Resolution 16-2-069 adopted September 22, 2016, the Authority, upon advertisement and pursuant to specifications, solicited bid proposals to **Furnish and Deliver Telog Meters and Parts for a One (1) Year Period**, pursuant to and in accordance with **Contract No. 16-23**; and

WHEREAS, the following sole bid proposal was received by the Authority on **November 15, 2016** for **Contract No.16-23**:

Vendor	Total Amount Bid (One Year)
Telog Instruments Victor, NY	\$830,965.50

WHEREAS, the Authority's **Qualified Purchasing Agent, Director of Engineering and Director of Water Pollution Control** have reviewed the sole bid proposal and have recommended that **Telog Instruments** be awarded **Contract No. 16-23** in accordance with N.J.S.A. 40:11-1 et seq., as the lowest complying and responsible bidder; and

WHEREAS, on the basis of the foregoing, the Authority has determined that **Telog Instruments** constitutes the lowest complying and responsible bidder for **Contract No. 16-23**, in accordance with N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the award of this Contract is necessary for the efficient operation of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for this purpose.

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

1. **Telog Instruments** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Telog Meters and Parts**, constituting **Contract No. 16-23**, for a **One (1) Year Period** for a total sum of **\$830,965.50**.

2. The Chairman shall be and is hereby authorized to execute an agreement with **Telog Instruments** of 830 Canning Pkwy, Victor, NY 14564 to **Furnish and Deliver Telog Meters and Parts**, constituting **Contract No.16-23** for a **One (1) Year Period** for a total sum of **\$830,965.50**.

16-2-075

3. The bid security of all unsuccessful bidders, if any, shall be returned in accordance with N.J.S.A. 40A:11-1 et seq.

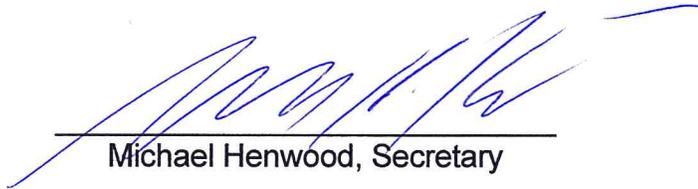
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

5. A notice of this contract award shall be published in the form prescribed by law.

6. A copy of Resolution 16-2-069, this Resolution and the agreement executed pursuant to this Resolution, along with Contract No. 16-23, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Telog Instruments and the Authority.

7. The formal action(s) of the Commissioners of the Bergen County Utilities Authority embodied herein are expressly contingent upon and subject to the provisions of N.J.S.A. 40:14B-14b.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of November 21, 2016.



Michael Henwood, Secretary

Dated: November 21, 2016

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/21/2016

RESOLUTION #: 16-2-075

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

2008 WPC BOND ISSUE

VENDOR

TELOG INSTRUMENTS, INC.

CONTRACT NUMBER

16-23

REASON

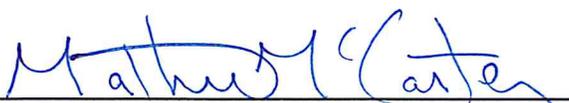
FURNISH AND DELIVER
TELOG METERS AND PARTS

AMOUNT

\$700,000.00

CONTRACT LENGTH

DECEMBER 1, 2016 TO NOVEMBER 30, 2017


ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 11/21/2016

RESOLUTION #: 16-2-075

THIS IS TO CERTIFY TO THE COMMISSIONERS OF THE BERGEN COUNTY UTILITIES
AUTHORITY THAT THERE ARE:

FUNDS AVAILABLE

X

FUNDS ARE NOT AVAILABLE

BUDGET ACCOUNT

COLLECTION SYSTEM PARTS & SUPPLIES
W-220-52300-000

VENDOR

TELOG INSTRUMENTS, INC.

CONTRACT NUMBER

16-23

REASON

FURNISH AND DELIVER
TELOG METERS AND PARTS

AMOUNT

\$130,965.50

CONTRACT LENGTH

DECEMBER 1, 2016 TO NOVEMBER 30, 2017



ACTING TREASURER

BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION

WHEREAS, the Authority and The Bergen County Utilities Authority Supervisors' Association ("SA") have negotiated a successor collective bargaining agreement to the agreement that expired on December 31, 2015. The successor four year agreement, effective January 1, 2016 through December 31, 2019, applies to all members of the Supervisors' Association and included in the Collective Bargaining Unit on an Authority-wide basis, and the establishment of wages and other terms and conditions of employment; and

WHEREAS, the Commissioners of the Authority deem it necessary for the efficient operation of the Authority to approve, confirm and ratify the contract with the SA.

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

1. The Contract between the Authority and the SA regarding wages and other terms and/or conditions of employment of those employees who are members of the SA is hereby approved, confirmed and ratified in form and substance acceptable to the Authority, which acceptance shall be evidenced by the Chairman's and Executive Director's signatures thereon.

2. The formal action(s) of the Commissioners of The Bergen County Utilities Authority embodied herein are expressly contingent upon the ratification by the Supervisors' Association and subject to the provisions of N.J.S.A. 40:14B-14(b).



Michael Henwood, Secretary

Dated: November 21, 2016