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BERGEN COUNTY UTILITIES AUTHORITY

Box 9, Foot of Mehrhof Road, Little Ferry, New Jersey 07643

ROBERT E. LAUX
Executive Director

PAUL A. JULIANO
DAVID J. LORENZO
RICHARD D. SCHOOLER
GEORGE P. ZILOCCHI

ANDREW "CHUCK" VACCARO, Chairman
RONALD PHILLIPS, Vice Chairman
CATHERINE T. BENTZ
JAMES L. CASSELLA.
LOUIS J. DeLISIO

Via Hand - Delivery

October 25, 2013

The Honorable Kathleen A. Donovan
Bergen County Executive
One Bergen County Plaza
Hackensack, New Jersey 07601

Dear County Executive Donovan:

Pursuant to N.J.S.A. 40:14B-14(b) enclosed please find minutes and certification of the BCUA acting Secretary regarding the Regular Meeting of the Commissioners of The Bergen County Utilities Authority held on October 24, 2013 and action, consistent with the applicable provisions of the aforementioned legislation.

Very truly yours,

Robert E. Laux
Executive Director

RLjo

Enclosure

C: All Commissioners

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
OCTOBER 24, 2013**

**In the matter of the 417TH Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the October 24, 2013 meeting was read into the record by Richard Wierer, Acting Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Andrew "Chuck" Vaccaro, Chairman
Ronald Phillips, Vice Chairman
Catherine T. Bentz, Commissioner
Louis J. DeLisio, Commissioner
Paul A. Juliano, Commissioner
David J. Lorenzo, Commissioner
George P. Zilocchi, Commissioner

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

3. Chairman Vaccaro led the Commissioners and others present in the salute to the flag.
4. Motion that the Minutes covering the September 26, 2013 Work Session be approved was moved by Commissioner DeLisio and seconded by Commissioner Bentz and was carried.
5. Chairman Vaccaro opened the meeting to the public and asked if anyone present wished to be heard. Hearing no further response, the meeting was closed to the public.
6. FINANCE AND LEGAL COMMITTEE;

Resolution 13-1-040 – Approve bills and the claims supported by vouchers totaling \$ 4,105,622.06 and authorize the Chief Financial Officer to issue the necessary checks therefor, and to charge the accounts indicated, all as more fully set forth on the Chief Financial Officer's check list. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Lorenzo. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-041 – 2014 Budget Introduction – Water Pollution Control. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Lorenzo. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-1-042 – 2014 Budget Introduction – Solid Waste Management. Motion to adopt the resolution was made by Commissioner DeLisio and Seconded by Commissioner Lorenzo. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. CONSTRUCTION & ENGINEERING COMMITTEE:

Resolution 13-2-064 - Authorize direct negotiation of Contract No. 13-26 for the Purchase of Eight (8) Sud-Chemie Replacement Catalysts (1 Year). Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner DeLisio. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. SECURITY & SAFETY COMMITTEE:

Resolution 13-5-001 - Resolution to amend contract 11-27 to reflect vendors name change from Protection Plus Security Corporation to Universal Protection Service, LLC and Exercise One year option - Security Services. Motion to adopt the resolution was made by Commissioner Zilocchi and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

9. STRATEGIC PLANNING COMMITTEE

Resolution 13-6-002 - Commend Erika Kluge of Ho-Ho-Kus Elementary School as one of the winners of the New Jersey Department of Environmental Protection (NJDEP) recycling poetry contest. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 13-6-003 - Commend Ayanah Taneja of Christ the Teacher School in Fort Lee as one of the winners of the New Jersey Department of Environmental Protection (NJDEP) recycling poetry contest. Motion to adopt the resolution was made by Commissioner Phillips and Seconded by Commissioner Juliano. A roll call was taken and the resolution was adopted as reflected in these minutes.

BERGEN COUNTY UTILITIES AUTHORITY
 Minutes of the Regular Meeting
 October 24, 2013

10. Chairman Vaccaro announced a short recess to allow time for the Acting Secretary to prepare minutes of this Regular Meeting.
11. Chairman Vaccaro announced the Regular Meeting would reconvene.
12. The Acting Secretary then distributed proposed minutes of the October 24, 2013 Regular Meeting for review by the Commissioners.
13. Move to approve the Minutes of the Regular Meeting of October 24, 2013 as distributed by the Acting 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 of October 24, 2013 was made by Commissioner Bentz and second by Commissioner Juliano and was unanimously carried.
14. Upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

| Resolution # | 13-1-040 | 13-1-041 | 13-1-042 |
|------------------|----------|----------|----------|
| Chairman Vaccaro | Y | Y | Y |
| Comm. Phillips | Y | Y | Y |
| Comm. Bentz | Y | Y | Y |
| Comm. Cassella | - | - | - |
| Comm. DeLisio | Y | Y | Y |
| Comm. Juliano | A | Y | Y |
| Comm. Lorenzo | Y | Y | Y |
| Comm. Schooler | - | - | - |
| Comm. Zilocchi | Y | Y | Y |

| Resolution # | 13-2-064 |
|------------------|----------|
| Chairman Vaccaro | Y |
| Comm. Phillips | Y |
| Comm. Bentz | Y |
| Comm. Cassella | - |
| Comm. DeLisio | Y |
| Comm. Juliano | Y |
| Comm. Lorenzo | Y |
| Comm. Schooler | - |
| Comm. Zilocchi | Y |

| Resolution # | 13-5-001 |
|------------------|----------|
| Chairman Vaccaro | Y |
| Comm. Phillips | Y |
| Comm. Bentz | Y |
| Comm. Cassella | - |
| Comm. DeLisio | Y |
| Comm. Juliano | Y |
| Comm. Lorenzo | Y |
| Comm. Schooler | - |
| Comm. Zilocchi | Y |

BERGEN COUNTY UTILITIES AUTHORITY
Minutes of the Regular Meeting
October 24, 2013

| Resolution # | 13-6-002 | 13-6-003 |
|------------------|----------|----------|
| Chairman Vaccaro | Y | Y |
| Comm. Phillips | Y | Y |
| Comm. Bentz | Y | Y |
| Comm. Cassella | - | - |
| Comm. DeLisio | Y | Y |
| Comm. Juliano | Y | Y |
| Comm. Lorenzo | Y | Y |
| Comm. Schooler | - | - |
| Comm. Zilocchi | Y | Y |

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

Respectfully submitted,



Richard Wierer
Acting Secretary

October 24, 2013

2014
Authority Budget Resolution

BERGEN COUNTY UTILITIES AUTHORITY

FISCAL YEAR: FROM JANUARY 1, 2014 TO DECEMBER 31, 2014

WHEREAS, the Annual Budget and Capital Budget for the Bergen County Utilities Authority, for the fiscal year beginning January 1, 2014 and ending December 31, 2014 has been presented before the governing body of the Bergen County Utilities Authority, at its open public meeting of October 24, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$70,752,613. Total Appropriations, including any Accumulated Deficit if any, of \$70,752,613 and Total Unrestricted Net Assets utilized of \$-0-; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$9,600,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$-0-; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bergen County Utilities Authority, at an open public meeting held on October 24, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Bergen County Utilities Authority for the fiscal year beginning January 1, 2014 and ending December 31, 2014 is hereby approved for introduction; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

WATER POLLUTION CONTROL

BE IT FURTHER RESOLVED, that the governing body of the Bergen County Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 19, 2013.

Dated: October 24, 2013



(Acting Secretary's Signature)

October 24, 2013

(Date)

| <u>Governing Body</u> <u>Member:</u> | <u>Recorded Vote</u> | | | |
|---|-----------------------------|-------------------|-----------------------|----------------------|
| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
| Andrew "Chuck" Vaccaro, Chair | X | | | |
| Ronald Phillips, Vice Chair | X | | | |
| Catherine T. Bentz, Commissioner | X | | | |
| James L. Cassella, Commissioner | | | | X |
| Louis J. DeLisio, Commissioner | X | | | |
| Paul A. Juliano, Commissioner | X | | | |
| George Zilocchi, Commissioner | X | | | |
| David J. Lorenzo, Commissioner | X | | | |
| Richard D. Schooler, Commissioner | | | | X |

2014
Authority Budget Resolution

BERGEN COUNTY UTILITIES AUTHORITY

FISCAL YEAR: FROM JANUARY 1, 2014 TO DECEMBER 31, 2014

WHEREAS, the Annual Budget and Capital Budget for the Bergen County Utilities Authority, for the fiscal year beginning January 1, 2014 and ending December 31, 2014 has been presented before the governing body of the Bergen County Utilities Authority, at its open public meeting of October 24, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$6,719,950, Total Appropriations, including any Accumulated Deficit if any, of \$8,100,701 and Total Unrestricted Net Assets utilized of \$1,380,751; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$ 0 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$ 0; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

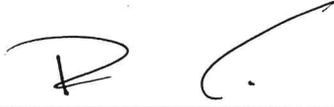
WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bergen County Utilities Authority, at an open public meeting held on October 24, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Bergen County Utilities Authority for the fiscal year beginning January 1, 2014 and ending December 31, 2014 is hereby approved for introduction; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Bergen County Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 19, 2013.

Dated: October 24, 2013



(Acting Secretary's Signature)

October 24, 2013

(Date)

| <u>Governing Body</u> <u>Member:</u> | <u>Recorded Vote</u> | | | |
|---|----------------------|------------|----------------|---------------|
| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
| Andrew "Chuck" Vaccaro, Chair | X | | | |
| Ronald Phillips, Vice Chair | X | | | |
| Catherine T. Bentz, Commissioner | X | | | |
| James L. Cassella, Commissioner | | | | X |
| Louis J. DeLisio, Commissioner | X | | | |
| Paul A. Juliano, Commissioner | X | | | |
| George Zilocchi, Commissioner | X | | | |
| David J. Lorenzo, Commissioner | X | | | |
| Richard D. Schooler, Commissioner | | | | X |

BERGEN COUNTY UTILITIES AUTHORITY RESOLUTION

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Authority solicited bid proposals for **Purchase of Eight (8) Sud-Chemie Replacement Catalysts**, pursuant to and in accordance with **Contract No. 13-26**; and

WHEREAS, no conforming bid proposals were received by the Authority on September 12, 2013, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 13-26**; and

WHEREAS, the Authority's Commissioners, by way of Resolution dated September 26, 2013, authorized the Executive Director or his designee to re-advertise for the solicitation of bid proposals for **Contract No. 13-26 (Rebid)**, pursuant to N.J.S.A. 40A:11-4; and

WHEREAS, no bid proposals were received by the Authority on October 10, 2013, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 13-26 (Rebid)**; and

WHEREAS, N.J.S.A. 40A:11-5(3) provides that when a contracting unit has advertised for bids on two (2) occasions and no bids have been received on both occasions in response to the advertisement, then such contracting unit may negotiate and award a contract for the materials or services so specified, upon adoption of a resolution of two-thirds affirmative vote of the authorized membership of the Governing Body authorizing such contract; and

WHEREAS, the Authority is desirous of entering into negotiations in order to form a contract for **Purchase of Eight (8) Sud-Chemie Replacement Catalysts**, pursuant to and in accordance with **Contract No. 13-26 (Rebid)**, as authorized by N.J.S.A. 40A:11-5(3); and

WHEREAS, the negotiation of a contract to **Purchase of Eight (8) Sud-Chemie Replacement Catalysts**, pursuant to and in accordance with **Contract No. 13-26 (Rebid)**, is necessary for the efficient operation of the Authority;

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

1. The Executive Director or his designee shall be and is hereby authorized to enter into negotiations in order to form a contract to **Purchase of Eight (8) Sud-Chemie Replacement Catalysts**, pursuant to and in accordance with **Contract No. 13-26 (Rebid)**, as authorized by N.J.S.A. 40A:11-5(3).

2. 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).

13-2-064

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of October 24, 2013.

A handwritten signature in black ink, appearing to read 'R. Wierer', is written above a horizontal line.

Richard Wierer
Acting Secretary

Dated: October 24, 2013

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, upon advertisement and pursuant to specifications, the Bergen County Utilities Authority (the "Authority") previously solicited bid proposals for Security Services, pursuant to and in accordance with Contract No. 11-27 for a contract term of three (3) years with two (2) one (1) year options, pursuant to and in accordance with Contract No. 11-27; and

WHEREAS, following the receipt of bid proposals by the Authority, for Contract No. 11-27, on July 19, 2011, the Authority determined that Protection Plus Security Corp. constituted the lowest complying and responsible bidder in accordance with N.J.S.A. 40A:11-4 and accordingly, the Authority awarded Contract No. 11-27 to Protection Plus Security Corp. by Resolution 11-5-01 adopted October 27, 2011; and

WHEREAS, the awarding of Contract No. 11-27 to Protection Plus Security Corp. was required for the efficient operation of the Authority; and

WHEREAS, subsequent to the awarding of Contract No. 11-27 by the Authority to Protection Plus Security Corp., the Authority was informed that Protection Plus Security Corp. was acquired by Universal Protection Service, LLC; and

WHEREAS, the Authority continues to be satisfied by the Security Services provided by Universal Protection Service, LLC to the Authority pursuant to Contract No. 11-27; and

WHEREAS, the contract term of Contract No. 11-27 is required to be amended from an initial term of three (3) years to an initial term of two (2) years, with the two (2) one (1) year options continuing in order for Contract No. 11-27 to be in compliance with those relevant portions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., governing such contracts; and

WHEREAS, the exercise of the first one (1) year option period of Contract 11-27 is necessary for the continued efficient operation of the Authority; and

WHEREAS, the Authority's Chief Financial Officer 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. The initial term period of Contract 11-27 shall be and is hereby amended to be a period of two (2) years, which two (2) year period expires October 31, 2013.
2. The Authority shall exercise its rights pursuant to Contract No. 11-27 for a one (1) year period commencing November 1, 2013.

3. The Chairman shall be and is hereby authorized to execute an agreement with Universal Protection Service, LLC, which agreement shall: (a) amend Contract No. 11-27 to provide for an initial term period of two (2) years expiring October 31, 2013 with two (2) one (1) year option periods; and (b) shall exercise the first one (1) year option period, awarding Contract No. 11-27 to Universal Protection Service, LLC for a period of one (1) year commencing November 1, 2013 and expiring October 31, 2014.

4. All other terms of Contract No. 11-27, including compensation to be paid by the Authority to Universal Protection Service, LLC for the providing of Security Services pursuant to Contract No. 11-27 shall remain in full force and effect without modification.

5. The Chief Financial Officer's Certification that the funds have been appropriated shall remain on file.

6. A copy of this Resolution and the Agreement executed pursuant to this Resolution, along with Contract No. 11-27, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by Universal Protection Service, LLC and the Authority.

7. The formal action(s) of the Commissions 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 October 24, 2013.



Richard Wierer
Acting Secretary

DATED: October 24, 2013

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, The Bergen County Utilities Authority (BCUA) is the implementing agency for the Bergen County District Solid Waste Management Plan; and

WHEREAS, the BCUA is the Bergen County agency responsible for the management of solid waste for Bergen County; and

WHEREAS, recycling and source reduction are integral components of Bergen County's solid waste management strategy; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) conducted a recycling poetry contest for children in grades four, five and six, which contest was open to all New Jersey schools; and

WHEREAS, Erika Kluge's poem entitled "Landfill" was selected by the NJDEP as one of the winning poems for New Jersey; and

WHEREAS, Erika Kluge's winning poem demonstrates her dedication and commitment to recycling and source reduction in Bergen County; and

WHEREAS, "Landfill" conveys the environmental benefits of recycling in a unique and intelligent manner; and

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of The Bergen County Utilities Authority do hereby formally recognize and express congratulations to Erika Kluge of Ho-Ho-Kus Elementary School the honor awarded to her by the NJDEP, and that this resolution be spread in full upon the minutes.

1. 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 October 24, 2013.



Richard Wierer
Acting Secretary

Dated: October 24, 2013

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, The Bergen County Utilities Authority (BCUA) is the implementing agency for the Bergen County District Solid Waste Management Plan; and

WHEREAS, the BCUA is the Bergen County agency responsible for the management of solid waste for Bergen County; and

WHEREAS, recycling and source reduction are integral components of Bergen County's solid waste management strategy; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) conducted a recycling poetry contest for children in grades four, five and six, which contest was open to all New Jersey schools; and

WHEREAS, Ayanah Taneja's poem entitled "Recycling" was selected by the NJDEP as one of the winning poems for New Jersey; and

WHEREAS, Ayanah Taneja's winning poem demonstrates dedication and commitment to recycling and source reduction in Bergen County; and

WHEREAS, "Recycling" conveys the environmental benefits of recycling in a unique and intelligent manner; and

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of The Bergen County Utilities Authority do hereby formally recognize and express congratulations to Ayanah Taneja of Christ the Teacher School in Fort Lee the honor awarded to Ayanah Taneja by the NJDEP, and that this resolution be spread in full upon the minutes.

1. 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 October 24, 2013.



Richard Wierer
Acting Secretary

Dated: October 24, 2013

