

**BERGEN COUNTY UTILITIES AUTHORITY
MINUTES OF THE REGULAR MEETING
JANUARY 26, 2017**

**In the matter of the 454th Regular Meeting of
The Bergen County Utilities Authority**

1. The **proof of meeting notice** calling the January 26, 2017, meeting was read into the record by Michael Henwood, Board Secretary.

2. Roll Call:

COMMISSIONERS PRESENT:

Ronald Phillips, Chairman
Catherine T. Bentz, Commissioner
Bruce Bonaventuro, Commissioner
James L. Cassella, Commissioner
Thomas S. Kelley, 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 December 22, 2016 Work Session be approved was moved by Commissioner Cassella and Seconded by Commissioner Bentz and was carried. Commissioner Bonaventuro 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 17-1-001 - Approve bills and the claims supported by vouchers totaling \$6,066,895.38 for the month of January 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 17-1-002 - Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. 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 17-1-003 - Designation of Acting Treasurer as the Authority's Public Agency Compliance Officer Pursuant to N.J.S.A. 17:27-3.5. 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 17-1-004 - Adoption of Cash Management Plan. 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 17-1-005 - Approve membership in the Educational Services Commission of New Jersey ("ESCNJ CO-OP") Purchasing Cooperative. 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 17-1-006 - Authorize Amendment of Professional Services Agreement to Kaufman Semeraro & Leibman LLP. – General Legal Counsel. 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 17-2-001 - Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-002- Authorize re-advertisement and rebid of Contract 17-05 – Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (Two (2) Years). Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-003 - Award Contract EW1-2017 to JCI Jones Chemicals, Inc. Warwick, NY – Furnish and Deliver Sodium Hypochlorite (Two (2) Years). Motion to adopt the resolution was made by Commissioner Bonaventuro and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-2-004 - Exercise first one (1) year option - Contract 16-04 to J. Fletcher Creamer & Son, Inc. – Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work (One (1) Year with Two (2) One (1) Year Options). Motion to adopt the resolution

was made by Commissioner Bonaventuro and Seconded by Commissioner Cassella. A roll call was taken and the resolution was adopted as reflected in these minutes.

7. PERSONNEL & ADMINISTRATION COMMITTEE:

Resolution 17-3-001 - Authorize acceptance of Qualifications of firms pursuant to N.J.S.A. 19:44A-20 et seq. Motion to adopt the resolution was made by Commissioner Zilocchi and Seconded by Commissioner Kelley. A roll call was taken and the resolution was adopted as reflected in these minutes.

8. STRATEGIC PLANNING COMMITTEE:

Resolution 17-6-001 - Authorize execution of a Shared Services Agreement arranging and providing for a Certified Recycling Professional to Prepare the Annual Recycling Tonnage Report with municipalities wishing to participate. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

Resolution 17-6-002 - Authorizing Executive Director to Negotiate and Enter Into Agreements with Bergen County Municipalities to Participate in the Cooperative Marketing for Solid Waste Disposal Program. Motion to adopt the resolution was made by Commissioner Cassella and Seconded by Commissioner Bentz. A roll call was taken and the resolution was adopted as reflected in these minutes.

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

10. Chairman Phillips announced the Regular Meeting would reconvene.

11. The Board Secretary then distributed proposed minutes of the January 26, 2017 Regular Meeting for review by the Commissioners.

12. Move to approve the Minutes of the Regular Meeting of January 26, 2017 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 January 26, 2017 was made by Commissioner Kelley and Seconded by Commissioner Bentz and was unanimously carried.

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

BERGEN COUNTY UTILITIES AUTHORITY

Minutes of the Regular Meeting

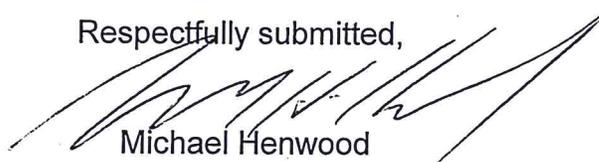
January 26, 2017

Resolution #	17-1-001	17-1-002	17-1-003	17-1-004	17-1-005	17-1-006	17-2-001
Chairman Phillips	Y	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	-	-	-	-	-	-	-
Comm. Bentz	Y	Y	Y	Y	Y	Y	Y
Comm. Bonaventuro	Y	Y	Y	Y	Y	Y	Y
Comm. Cassella	Y	Y	Y	Y	Y	Y	Y
Comm. Juliano	-	-	-	-	-	-	-
Comm. Kelley	Y	Y	Y	Y	Y	Y	Y
Comm. Warms	-	-	-	-	-	-	-
Comm. Zilocchi	Y	Y	Y	Y	Y	Y	Y

Resolution #	17-2-002	17-2-003	17-2-004	17-3-001	17-6-001	17-6-002
Chairman Phillips	Y	Y	Y	Y	Y	Y
V. Chair. DeLisio	-	-	-	-	-	-
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	-	-	-	-	-	-
Comm. Kelley	Y	Y	Y	Y	Y	Y
Comm. Warms	-	-	-	-	-	-
Comm. Zilocchi	Y	Y	Y	Y	Y	Y

Y = Yes R = Recuse A = Abstain N = No - = Absent
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Respectfully submitted,



Michael Henwood
Board Secretary

Date: January 26, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") has followed the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq. for receiving Requests for Qualifications; and

WHEREAS, on or about December 15, 2016 the Authority issued a Request For Qualifications for Appraisal Services, Auditor, Bond Counsel, Bond Underwriters, Financial Consultant, CMMS/ERP Consultant, Grants/Government Services Consultant, Legal Services, and Title Services in accordance with the requirements of N.J.S.A. 19:44A-20, et seq.; and

WHEREAS, the Authority received and opened Qualifications for the above listed positions on **January 12, 2017**; and

WHEREAS, pursuant to the Request For Qualifications, the Authority's Review Team conducted a review of the responses received and recommends that the firms listed below be deemed qualified for the following positions; and

WHEREAS, the Authority's Finance & Legal Committee recommends that the firms listed below be deemed qualified for the following positions.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Bergen County Utilities Authority that the following firms be and are hereby qualified to render services on behalf of the Authority for the year of 2017:

Appraisal Services

McNerney & Associates, Inc.

Auditor

Lerch, Vinci & Higgins, L.L.P.
Baker Tilly

Bond Counsel

McManimon, Scotland & Baumann, L.L.C.
Parker McCay
Waters, McPherson, McNeill
Gibbons, P.C.

Bond Underwriters

NW Capital Markets Inc.
Powell Capital Markets

Financial Consultant

Acacia Financial Group, Inc.
NW Financial Group, L.L.C.
Powell Capital Markets

Grants/Government Services Consultant

Gibbons, P.C.

Legal Services

Kaufman, Semeraro & Leibman, L.L.P.
Law Office of Stephen P. Sinisi, Esq., L.L.C.
Price, Meese, Shulman & D'Arminio
Rubenstein, Meyerson, Fox, Mancinelli, Conti, & Bern, P.A.
Marinello & Marinello, P.C.
Florio, Perrucci, Steinhardt & Fader, L.L.C.
Chasan, Lamparello, Mallon & Cappuzzo, P.C.
Long Marmero & Associates, L.L.P.
Weber Dowd Law, L.L.C.

Title Services

No Response

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 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 January 26, 2017.


Michael Henwood, Secretary

Dated: **January 26, 2017**

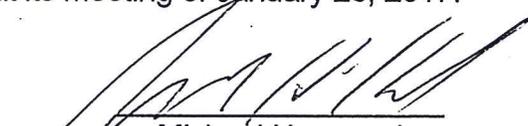
**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

BE IT RESOLVED, by the Commissioners of The Bergen County Utilities Authority that Mathew McCarter, the Authority's Acting Treasurer, shall be and is hereby appointed to serve as the Authority's **Public Agency Compliance Officer** to perform the requisite duties associated with such title, as set forth in N.J.A.C. 17:27-3.5, at no additional compensation, to administer and/or implement Chapter 127, P.L. 1975, and the rules and regulations promulgated thereunder, as amended, effective immediately, for the calendar year 2017, until a successor is appointed and/or qualified to serve, or at the pleasure of the Authority, whichever shall earliest occur;

BE IT FURTHER RESOLVED that the Executive Director shall be and he is hereby directed to provide the State of New Jersey, Department of the Treasury, Division of Purchase and Property, Contract Compliance Audit Unit, EEO Monitoring Program, with the telephone number, facsimile and E-mail address of Mathew McCarter's designation as **Public Agency Compliance Officer**; 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 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 January 26, 2017.



Michael Henwood
Board Secretary

DATED: January 26, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, N.J.S.A. 40:5:14 requires the governing body of each local authority to cause the adoption of a **Cash Management Plan**; and

WHEREAS, in accordance with N.J.S.A. 40:5-14, the Acting Chief Financial Officer/Treasurer has developed a **Cash Management Plan** for use by the Authority, a copy of which is on file at the Authority; and

WHEREAS, the Commissioners of the Authority have reviewed the **Cash Management Plan** prepared by the Authority's Acting Chief Financial Officer/Treasurer and desire to continue its usage during 2017; and

WHEREAS, the implementation and usage of the Authority's **Cash Management Plan** 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 Commissioners of the Authority do hereby approve the continued use of the Authority's **Cash Management Plan** prepared by the Acting Chief Financial Officer/Treasurer.

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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of January 26, 2017.



Michael Henwood
Board Secretary

DATED: January 26, 2017

Cash Management Plan

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Bergen County Utilities Authority, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to ensure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Bergen County Utilities Authority, New Jersey:

- Current Funds/Current Accounts
- Construction Funds/Construction Accounts
- Trust Funds/Trust Accounts
- Bond Service Funds/Bond Service Account
- Bond Reserve Funds/Bond Reserve Account
- Revenue Funds/Revenue Accounts
- General Funds/General Accounts
- Renewal and Replacement Funds/Renewal and Replacement Accounts

The custodian of the accounts shall be the Chief Financial Officer. All disbursements shall be made by checks signed by three authorized signatures.

- Chairman
- Executive Director
- Chief Financial Officer

III. DESIGNATION OF OFFICIALS OF THE BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZED TO MAKE DEPOSITS OF INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer (the "Designated Official") is hereby authorized and directed to deposit and/or invest the fund referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the Bergen County Utilities Authority is directed to

supply all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. DESIGNATION OF DEPOSITORIES

Any banks chartered under the laws of the State of New Jersey and/or the laws of the United States of America and authorized to transact business in the State of New Jersey are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

All such depositories shall acknowledge in writing receipt of this plan by sending a copy of such acknowledgment to the Designated Official referred to in Section III above.

V. PERMISSIBLE INVESTMENTS

A Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A:5:15.1 and except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C. 52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection;
 1. the custody of collateral is transferred to a third party;
 2. the maturity of the agreement is not more than 30 days;
 3. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C. 17:19-41); and
- (9) a master repurchase agreement providing for the custody and security of collateral is executed.

For the purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which is rated by a nationally recognized statistical rating organization.

Local Government Investment Pool. An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec 270.2a.7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions, cannot reasonably be expected at the time of interest rate adjustment, to have market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchases or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c.9 (C49:3-56) and has a least \$25 Million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposits or Permitted Investment involves a document or security which is not physically held by the Bergen County Utilities Authority, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institutions shall provide for the designation of such investments in the name of the Bergen County Utilities Authority to assure that there is no unauthorized use of the funds or the Permitted Investments of Deposits. Purchase of any Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Bergen County Utilities Authority or by a third party custodian prior to or upon the release of the Bergen County Utilities Authority funds.

To assure that all parties with whom the Bergen County Utilities Authority deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

VII. REPORTING REQUIREMENTS

At the public meeting of each month during which this Plan is in effect, the Designated Official referred to in Section III hereof shall supply to the Board of Commissioners of the Bergen County Utilities Authority a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- a. The name of any institution holding funds of the Bergen County Utilities Authority as a Deposit or a Permitted Investment.
- b. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- c. The class or type of securities purchased or Deposits made.
- d. The book value of such Deposits or Permitted Investments.
- e. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- f. The fees incurred to undertake such Deposits or Permitted Investments.
- g. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- h. All other information which may be deemed reasonable from time to time by the Board of Commissioners of the Bergen County Utilities Authority.

VIII. PAYMENT PROCEDURE – WIRE TRANSFER

Payment of certain claims and the funding of various accounts requires payment be made by wire transfer.

The Treasurer/Chief Financial Officer or his designee shall verify the validity of the transaction and be authorized to perform the wire transfer.

If the wire transfer is made by the designee the Treasurer/Chief financial Officer shall subsequently review and approve the wire transfer.

IX. TERM OF PLAN

This Plan shall be in effect from February 1, 2017 to January 31, 2018. Attached to this Plan is a resolution adopted by the Bergen County Utilities Authority Board of Commissioners approving this plan for such a period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Bergen County Utilities Authority Board of Commissioners, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") is a county utilities authority organized and existing pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. to provide the services enumerated in N.J.S.A. 40:14B-2 in the County of Bergen, including but not limited to 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 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 Authority plays an important role in providing these essential services within the Authority's sewer service district, which is comprised of fifty-two (52) municipalities in Bergen County serving approximately 575,000 people; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes the Authority to contract for the purchase of goods and services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available, for its administration; and

WHEREAS, The Educational Services Commission of New Jersey (the "ESCNJ CO-OP") previously offered to the Authority the opportunity to voluntarily participate in the ESCNJ CO-OP for the purchase of goods and contracting for services; and

WHEREAS, the Authority, desirous of continuing its ongoing efforts to make the procurement process for the purchase of goods and contracting for services more efficient and to provide the greatest cost savings to the Authority and its ratepayers, accepted the offer of membership in the ESCNJ CO-OP allowing the Authority to participate in the Educational Services Commission of New Jersey for the purchase of goods and contracting for services; and

WHEREAS, the ESCNJ CO-OP subsequently issued a Certificate of Membership to the Authority, designating the Authority as Member, entitling the Authority to utilize and participate in the ESCNJ CO-OP for the procurement of goods and services; and

WHEREAS, the Board of Commissioners of the Authority believes it is in the Authority's best interests to continue to participate as a member in the ESCNJ CO-OP for the procurement of goods and services.

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

1. Pursuant to the provisions of N.J.S.A. 52:34-6.2, the membership of the Authority in the ESCNJ CO-OP shall be and is hereby ratified and approved and the Executive Director or his designee shall be and is hereby authorized to execute and enter into a member participation agreement or such other documents as may be necessary to allow the Authority to continue to participate as a member in the ESCNJ CO-OP.

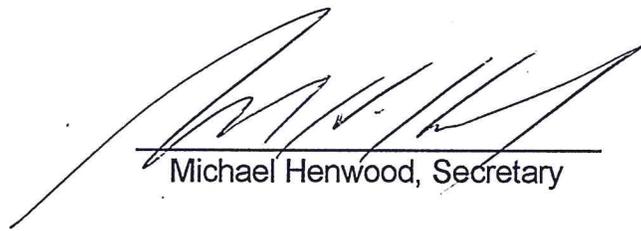
2. The Authority shall be responsible to ensure that goods and/or services procured through the ESCNJ CO-OP comply with all applicable provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

3. A copy of this Resolution and a copy of the member participation agreement entered into by the Authority with the ESCNJ CO-OP pursuant to this Resolution, if any, and a copy of the Certificate of Membership issued by the ESCNJ CO-OP to the Authority, shall be placed on file and made available for public inspection in the office of the Executive Director, upon execution by the ESCNJ CO-OP and the Authority.

4. A notice of this Resolution, and any agreement executed pursuant hereto, shall be published in the form prescribed by law if required.

5. The formal action(s) of the Commissioners of 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 January 26, 2017.



Michael Henwood, Secretary

Dated: January 26, 2017

**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, in furtherance of providing these essential services, the Board of Commissioners of the Authority, by Resolution 16-1-013 adopted February 25, 2016, appointed Kaufman, Semeraro & Leibman, L.L.P. to serve as General Legal Counsel to the Authority for a One (1) Year Term or until a successor is selected or at the pleasure of the Authority, whichever shall first occur or be exercised; and

WHEREAS, Resolution 16-1-013 Authorized the Chairman of the Board of Commissioners of the Authority to execute an agreement by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. (the "Agreement") memorializing the services to be provided by Kaufman, Semeraro & Leibman, L.L.P. to the Authority as General Legal Counsel and providing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$100,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Agreement was executed by and on behalf of the Authority and Kaufman, Semeraro & Leibman, L.L.P. on March 1, 2016; and

WHEREAS, Resolution 16-1-038 Authorized the Chairman of the Board of Commissioners of the Authority to modify the agreement by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. (the "Agreement") memorializing the services to be provided by Kaufman, Semeraro & Leibman, L.L.P. to the Authority as General Legal Counsel and providing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for the providing of those services, pursuant to which payment is not to exceed the total sum of \$175,000.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., operating under the Agreement, has continued to provide significant necessary and valuable services to the Authority as the Authority's General Legal Counsel on an as-requested basis on a number of critical ongoing projects as well as additional other projects the Authority identified since the commencement of the term of the Agreement, which projects include:

- Cogeneration Project;
- Negotiation/Litigation with PSE&G;
- Edgewater WPCF Project; and
- Sludge Management Assistance: Assisting the Authority with the preparation of bid documents for residuals hauling.

; and

WHEREAS, by written correspondence dated January 23, 2017, Kaufman, Semeraro & Leibman, L.L.P. advised the Authority that as of January 23, 2017 Kaufman, Semeraro & Leibman, L.L.P. had expended approximately \$175,000.00 in services to the Authority under the Agreement and the Agreement provides for a compensation budget of \$175,000.00 to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. for services performed pursuant thereto; and

WHEREAS, Kaufman, Semeraro & Leibman, L.L.P., by the January 23, 2017 written correspondence, requested that the Authority increase the compensation budget provided for by the Agreement by the total sum of \$22,500.00, resulting in an amended Agreement compensation budget of an amount not to exceed the total sum of \$197,500.00; and

WHEREAS, the Authority's Executive Director has determined that Kaufman, Semeraro & Leibman, L.L.P. has performed all services under the Agreement in an effective and efficient manner and further determined that the remaining work to be performed by Kaufman, Semeraro & Leibman, L.L.P. under the Agreement is essential to the proper and effective operation of the Authority's Water Pollution Control Division and critical to the health, welfare and safety of the ratepayers and employees of the Authority; and

WHEREAS, the Authority's Executive Director has reviewed the January 23, 2017 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., including the request of Kaufman, Semeraro & Leibman, L.L.P. to increase the compensation budget under the Agreement for the total compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P., and based upon the above determinations and his review of the January 23, 2017 written correspondence of Kaufman, Semeraro & Leibman, L.L.P., he has concluded and recommended that the Authority should amend the Agreement by increasing the budget for compensation to be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the Agreement in the total sum of \$22,500.00, resulting in an amended compensation budget under the Agreement in an amount not to exceed the total sum of \$197,500.00 without further approval of the Board of Commissioners of the Authority; and

WHEREAS, the Authority's Acting Treasurer has certified that funds are available for the modification of the Agreement pursuant to this Resolution.

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

1. The Agreement entered into by and between the Authority and Kaufman, Semeraro & Leibman, L.L.P. shall be and is hereby modified by the Authority and the Agreement shall be modified to provide that the compensation to be paid by the Authority pursuant thereto shall be increased in the amount of \$22,500.00 and the total amount of compensation to now be paid by the Authority to Kaufman, Semeraro & Leibman, L.L.P. pursuant to the modified Agreement shall not exceed the total sum of \$197,500.00 without further approval of the Board of Commissioners of the Authority.

2. The Chairman of the Authority shall be and is hereby authorized to execute an agreement by and among the Authority and Kaufman, Semeraro & Leibman, L.L.P., modifying the Agreement as approved and authorized by this Resolution, in the form acceptable to the Chairman, and satisfactory to the Authority as evidenced by the Chairman's signature thereon.

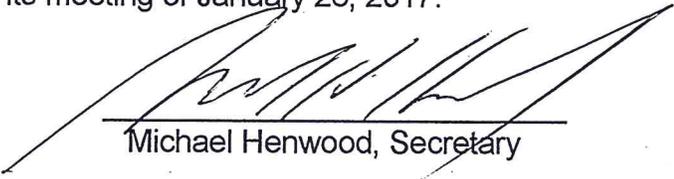
3. A copy of this Resolution, and the agreement modifying the Agreement with Kaufman, Semeraro & Leibman, L.L.P. pursuant to this Resolution, shall be placed on file and made available for public inspection in the Office of the Executive Director, upon execution by Kaufman, Semeraro & Leibman, L.L.P. and the Authority.

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

5. A notice of this modification of the Agreement shall be published in the form prescribed by law.

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-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 January 26, 2017.



Michael Henwood, Secretary

Dated: January 26, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 01/26/2017

RESOLUTION #: 17-1-006

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

LEGAL

W-350-50800-000

VENDOR

KAUFMAN SEMERARO & LEIBMAN, L.L.P.

CONTRACT NUMBER

16-022504

REASON

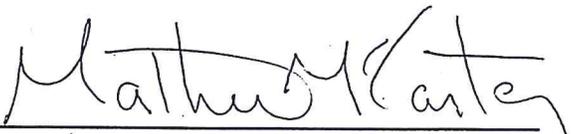
INCREASE IN PROFESSIONAL SERVICES
NEEDS OF THE AUTHORITY FOR
ONGOING PROJECTS AND PROJECTS NOT
IDENTIFIED SINCE AGREEMENT COMMENCEMENT

AMOUNT

\$22,500.00

CONTRACT LENGTH

JANUARY 26, 2017 TO FEBRUARY 28, 2017


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") has followed the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq. for receiving requests for qualifications; and

WHEREAS, on or about December 15, 2016 the Authority issued a Request for Qualifications for Consulting Engineers, Energy Services Consultants and Construction Management Services Consultants in accordance with the requirements of N.J.S.A. 19:44A-20 et. seq.; and

WHEREAS, the Authority received and opened Qualifications for the above listed positions on **January 12, 2017**; and

WHEREAS, pursuant to the Request for Qualifications, the Authority's review team conducted a review of the responses received and recommends that the firms listed below be deemed qualified to provide the following services; and

WHEREAS, the Authority's Construction & Engineering Committee recommends that the firms listed below be deemed qualified to provide said services.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority that the following firms be and are hereby qualified to render the following services on behalf of the Authority for the year of 2017.

CONSULTING ENGINEERS

Alaimo Group Consulting Engineers
Boswell Engineering
CME Associates
Concord Engineering
Mott MacDonald
Arcadis US, Inc
Maser Consulting P.A.
Neglia Engineering Associates
Remington, Vernick and Arango Engineers
D&B Engineers and Architects, P.C.
CDM Smith
Hazen Consulting Engineering Services
HDR Consulting Engineers

ENERGY SERVICES CONSULTANTS

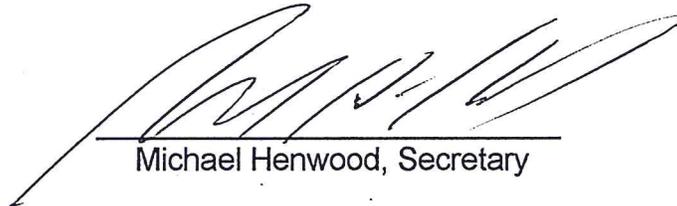
Concord Engineering
Remington, Vernick and Arango Engineers
NW Financial Group, L.L.C.
TB Technologies
CDM Smith

CONSTRUCTION MANAGEMENT SERVICES CONSULTANTS

Alaimo Group Consulting Engineers
Boswell Engineering
Arcadis US, Inc
Neglia Engineering Associates
Remington, Vernick and Arango Engineers
CDM Smith
CME Associates
HAKS
Mott McDonald

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 the provisions of *N.J.S.A. 40:14B-14b*.

I hereby certify the forgoing to be a true copy of the resolution adopted by the Bergen County Utilities Authority at its meeting of January 26, 2017.



Michael Henwood, Secretary

Dated: January 26, 2017

**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 Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (for a Two (2) Year Period)**, pursuant to and in accordance with **Contract No. 17-05**; and

WHEREAS, no bid proposals were received by the Authority on **January 10, 2017**, the date set forth in the Invitation to Bid for the receipt of bid proposals pursuant to and in accordance with **Contract No. 17-05**; and

WHEREAS, the Commissioners of the Authority are desirous of re-advertising for the solicitation of bid proposals for **Contract No. 17-05 (Rebid)**, pursuant to N.J.S.A. 40A:11-4, as an award of this Contract 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 re-advertise for the solicitation of bid proposals for **Contract No. 17-05 (Rebid) to Furnish and Deliver Liquid Emulsion High Molecular Weight Cationic Polymer for Waste Activated Sludge/Gravity Belt Thickener (for a Two (2) Year Period)**.

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).

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Bergen County Utilities Authority at its meeting of January 26, 2017.



Michael Henwood
Secretary

Dated: January 26, 2017

**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 Sodium Hypochlorite for a Two (2) Year Period**, pursuant to and in accordance with **Contract No. EW1-2017**; and

WHEREAS, the following bid proposals were received by the Authority on **January 10, 2017** for **Contract No. EW1-2017**:

Vendor	Unit Price (per/gal)	Total Amount Bid for Two (2) Years
JCI Jones Chemicals, Inc. Warwick, NY	\$0.72	\$86,400.00
Univar USA, Inc. Middletown, PA	\$0.738	\$88,560.00
Miracle Chemical Company Farmingdale, NJ	\$0.865	\$103,800.00
Kuehne Chemical Co., Inc. South Kearny, NJ	\$1.10	\$132,000.00

WHEREAS, the Authority's **Qualified Purchasing Agent** has reviewed the bid proposals and has recommended that **JCI Jones Chemicals, Inc.** be awarded **Contract No. EW1-2017** 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 **JCI Jones Chemicals, Inc.** constitutes the lowest complying and responsible bidder for **Contract No. EW1-2017**, 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. **JCI Jones Chemicals, Inc.** shall be and is hereby determined to be the lowest complying and responsible bidder to **Furnish and Deliver Sodium Hypochlorite**, constituting **Contract No. EW1-2017**, for a **Two (2) Year Period** at a unit price of \$0.72 per gallon for a total sum of **\$86,400.00**.

2. The Chairman shall be and is hereby authorized to execute a contract with **JCI Jones Chemicals, Inc.** of 103 River Street, Warwick, NY 10990 to **Furnish and Deliver Sodium Hypochlorite**, constituting **Contract No. EW1-2017** for a **Two (2) Year Period** at a unit price of \$0.72 per gallon for a total sum of **\$86,400.00**.

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.

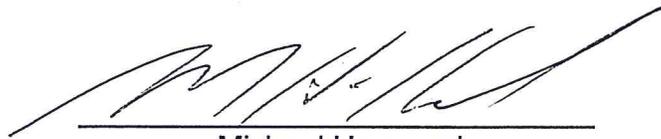
4. The Acting Treasurer's Certification that funds are available shall be maintained on file at the Authority and made a part hereof.

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

6. A copy of this Resolution and the contract executed pursuant to this Resolution, along with Contract No. EW1-2017, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by JCI Jones Chemicals, Inc. 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 January 26, 2017.



Michael Henwood
Secretary

Dated: January 26, 2017

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 01/26/2017

RESOLUTION #: 17-2-003

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

SODIUM HYPOCHLORITE

W-320-60350-000

VENDOR

JCI JONES CHEMICALS, INC.

CONTRACT NUMBER

EW1 - 2017

REASON

FURNISH AND DELIVER

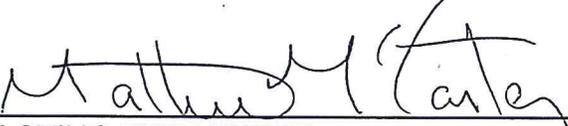
SODIUM HYPOCHLORITE

AMOUNT

\$86,400.00

CONTRACT LENGTH

FEBRUARY 1, 2017 TO JANUARY 31, 2019


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 for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work – One (1) Year Contract with Two (2) One (1) Year Options**, pursuant to and in accordance with **Contract No. 16-04**; and

WHEREAS, by way of Resolution 16-2-015 adopted by the Board of Commissioners of the Authority on February 25, 2016, **J. Fletcher Creamer & Son Inc.** was determined to be the lowest complying and responsible bidder for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work**, constituting **Contract No. 16-04** for a total contract price of \$160,510.00 for the initial year; and for the optional years for a total contract price of \$160,510.00 per optional year; and

WHEREAS, by way of Resolution 16-2-015 adopted February 25, 2016, the Chairman of the Board of Commissioners of the Authority was authorized to execute an agreement with **J. Fletcher Creamer & Son Inc.** for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work**, constituting **Contract No. 16-04** for a total contract price of **\$160,510.00** for the **Initial One (1) Year Period**; and

WHEREAS, pursuant to the terms of **Contract No. 16-04**, the Authority has the option to extend the contract for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work** with **J. Fletcher Creamer & Son Inc.** for an additional **One (1) Year Period** for the total sum of **\$160,510.00**; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15 the Authority finds **J. Fletcher Creamer & Son Inc.** has performed **Contract No. 16-04** for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work** in an effective and efficient manner; and

WHEREAS, exercising the first **One (1) Year Option** of **Contract No. 16-04** to **J. Fletcher Creamer & Son Inc.** for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work** is necessary for the efficient operation of the Authority; and

WHEREAS, the Acting Treasurer of the Authority 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 Executive Director shall be and he is hereby authorized to execute an agreement with **J. Fletcher Creamer & Son Inc.** for **Annual Buried Infrastructure On-Call Sewer Repair/Replacement Work**, pursuant to and in accordance with **Contract No. 16-04**, which exercises the first **One (1) Year Option** by the Authority to extend **Contract No. 16-04** for an additional **One (1) Year Period** (commencing March 1, 2017 and expiring February 28, 2018) for the total sum of **\$160,510.00**.

17-2-004

2. All other terms of **Contract No. 16-04** shall remain in full force and effect without modification.

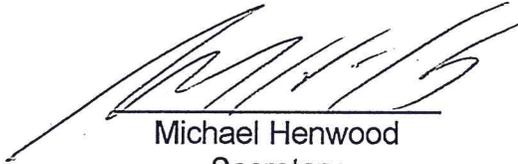
3. The Acting Treasurer's Certification that funds are available shall be on file at the Authority and made a part hereof.

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

5. A copy of this Resolution and the Contract executed pursuant to this Resolution, along with Contract No. 16-04, shall be placed on file and made available for public inspection in the Office of the Executive Director upon execution by J. Fletcher Creamer & Son 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-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 January 26, 2017.



Michael Henwood
Secretary

Dated: January 26, 2017

17-2-004

BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION DATE: 01/26/2017

RESOLUTION #: 17-2-004

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

EMERGENCY REPAIRS

W-220-52400-000

VENDOR

J. FLETCHER CREAMER & SON INC.

CONTRACT NUMBER

16-04 ONE YEAR OPTION

REASON

ANNUAL BURIED INFRASTRUCTURE
ON-CALL SEWER REPAIR / REPLACEMENT WORK

AMOUNT

\$160,510.00

CONTRACT LENGTH

MARCH 1, 2017 TO FEBRUARY 28, 2018


ACTING TREASURER

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Bergen County Utilities Authority (the "Authority") has followed the fair and open process pursuant to N.J.S.A. 19:44A-20 et seq. for receiving Requests for Qualifications; and

WHEREAS, on or about December 15, 2016 the Authority issued a Request For Qualifications for General Insurance, Health Insurance and Public Relations Consultants, and Third Party Administrators for Cafeteria Plan, Dental Plan, Health Benefits and Worker's Compensation in accordance with the requirements of N.J.S.A. 19:44A-20, et seq.; and

WHEREAS, the Authority received and opened Qualifications for the above listed positions on **January 12, 2017**; and

WHEREAS, pursuant to the Request For Qualifications, the Authority's Review Team conducted a review of the responses received and recommends that the firms listed below be deemed qualified for the following positions; and

WHEREAS, the Authority's Personnel and Administration Committee recommends that the firms listed below be deemed qualified for the following positions.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Bergen County Utilities Authority that the following firms be and are hereby qualified to render services on behalf of the Authority for the year of 2017:

General Insurance Consultant
Otterstedt Insurance Agency, Inc.
Doyle Alliance Group

Health Insurance Consultant
LaMendola Associates, Inc
Doyle Alliance Group
Aquarius Companies

Public Relations Consultant
Catania Consulting Group, Inc.

Third Party Administrator for Cafeteria Plan Section 125
Insurance Design Administrators
Wage Works, Inc.

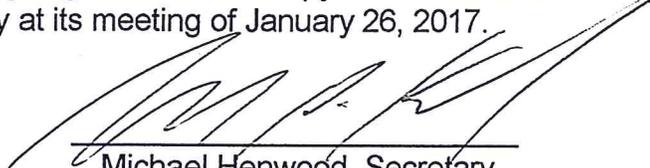
Third Party Administrator for Dental Plan
Delta Dental of New Jersey, Inc
LionGen Company

Third Party Administrators for Health Benefits
Insurance Design Administrators
LionGen Company

Third Party Administrator Workers Compensation/General Liability
Bergen Risk Managers, Inc.

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 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 January 26, 2017.



Michael Henwood, Secretary

Dated: January 26, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, commencing in 2012, New Jersey municipalities are required by the New Jersey Recycling Enhancement Act ("REA") P.L. 2008, CHAPTER 6, to have the mandatory Annual Recycling Tonnage Report approved and signed by a Certified Recycling Professional ("CRP"); and

WHEREAS, the Annual Recycling Tonnage Report must be submitted by email to the New Jersey Department of Environmental Protection ("NJDEP") utilizing a spreadsheet provided by the NJDEP on or before April 30 of each year; and

WHEREAS, failure to submit the Annual Recycling Tonnage Report signed by a CRP will jeopardize a municipality's receipt of the annual recycling tonnage grant; and

WHEREAS, certain Bergen County municipalities do not employ a CRP; and

WHEREAS, the Authority is desirous of assisting those municipalities that do not employ a CRP to ensure that those municipalities do not jeopardize the receipt of the annual recycling tonnage grant by providing the services of a CRP to sign and submit participating municipalities 2016 Annual Recycling Tonnage Report; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Authority and a Municipality to enter into a Service Agreement for the services contemplated herein without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

WHEREAS, the Commissioners of the Authority have determined, based upon the foregoing, that in order expand its ongoing municipal recycling assistance program it is necessary to enter into an agreement for Certified Recycling Professional Services ("Services Agreement for a Certified Recycling Professional to Prepare the Annual Recycling Tonnage Report") with municipalities wishing to participate therein; and

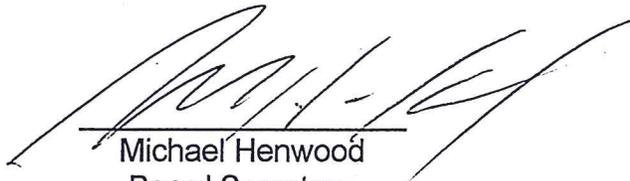
NOW THEREFORE, BE IT RESOLVED by the Commissioners of The Bergen County Utilities Authority as follows:

1. The Executive Director shall be and is hereby authorized to execute a Shared Services Agreement arranging and providing for a Certified Recycling Professional to Prepare the 2016 Annual Recycling Tonnage Report with municipalities wishing to participate therein in substantially the form on file at the Authority Office, or in such final form as is acceptable to the Authority, as evidenced by the Chairman's signature thereon.

2. A copy of 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 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 January 26, 2017.



Michael Henwood
Board Secretary

Dated: January 26, 2017

**BERGEN COUNTY UTILITIES AUTHORITY
RESOLUTION**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. ("the Act"), authorizes any local unit of the State to enter into an Interlocal Services Agreement with any other local unit(s) for the joint provision within the several jurisdictions of any service which any party to the agreement is empowered to undertake within its own jurisdiction; and

WHEREAS, by Resolution dated December 23, 1980, the Board of Chosen Freeholders of the County of Bergen designated the Bergen County Utilities Authority (the "Authority") as the agency empowered to supervise the implementation of its Solid Waste Management Plan and to take control and responsibility for various solid waste systems and facilities operated in and by the County of Bergen; and

WHEREAS, the Authority established a Solid Waste Cooperative Marketing Program in which participating municipalities enter into a Solid Waste Service Agreement with the Authority to utilize the Authority's designated solid waste disposal facility; and

WHEREAS, pursuant to and in accordance with the foregoing, the Authority issued bid specifications for solid waste processing, transport and disposal services under Contract No. 13-04 for the processing and disposal of solid waste generated by participating Bergen County municipalities; and

WHEREAS, by Resolution 13-2-035 adopted April 25, 2013, the Board of Commissioners of the Authority (the "Board" or "Commissioners") awarded Contract No. 13-04, for the acceptance, processing and disposal of municipal solid waste, to ADS Solid Waste of New Jersey, Inc. for a contract term of three (3) years and with the Authority being given the option of extending that contract term for an additional two (2) periods of one (1) year each; and

WHEREAS, by Resolution 13-2-075 adopted December 19, 2013, the Board consented to the assignment of Contract No. 13-04 from ADS Solid Waste of New Jersey, Inc. to Covanta 4Recovery, L.L.P. (now known as Covanta Sustainable Solutions, L.L.C. ("Covanta")); and

WHEREAS, the initial three (3) year term of Contract No. 13-04 commenced June 1, 2013 and expired May 31, 2016; and

WHEREAS, pursuant to the bid specifications of Contract No. 13-04, the Authority previously had the option to extend the term of Contract No. 13-04 with Covanta for an additional One (1) Year Period (commencing June 1, 2016 and expiring May 31, 2017) for a total unit cost of \$69.00 per ton including the \$3.00 recycling tax for that One (1) Year Period; and

WHEREAS, Covanta, by written correspondence dated January 5, 2016, advised the Authority that, in the event the Authority determined it would exercise its option to extend the

term of Contract No. 13-04 for an additional One (1) Year Period (commencing June 1, 2016 and expiring May 31, 2017), Covanta was agreeable to enter into an agreement with the Authority providing for a reduced total unit cost of \$67.50 per ton including the \$3.00 recycling tax for that One (1) Year Period; and

WHEREAS, pursuant to the bid specifications of Contract No. 13-04 and the January 5, 2016 written correspondence of Covanta, the Authority, by way of Resolution 16-2-002 adopted by the Board on January 28, 2016, previously exercised the first One (1) Year Option of Contract No. 13-04 for a total unit cost of \$67.50 per ton including the \$3.00 recycling tax for that One (1) Year Period (commencing June 1, 2016 and expiring May 31, 2017); and

WHEREAS, pursuant to the bid specifications of Contract No. 13-04, the Authority has the option to exercise the second One (1) Year Option and extend the term of Contract No. 13-04 with Covanta for an additional One (1) Year Period (commencing June 1, 2017 and expiring May 31, 2018) for a total unit cost of \$70.95 per ton including the \$3.00 recycling tax for that One (1) Year Period; and

WHEREAS, Covanta, by written correspondence dated December 9, 2016, advised the Authority that, in the event the Authority determined it would exercise its option to extend the term of Contract No. 13-04 for an additional One (1) Year Period (commencing June 1, 2017 and expiring May 31, 2018), Covanta was agreeable to enter into an agreement with the Authority providing for a reduced total unit cost of \$67.75 per ton including the \$3.00 recycling tax for that One (1) Year Period; and

WHEREAS, pursuant to the bid specifications of Contract No. 13-04 and the December 9, 2016 written correspondence of Covanta, the Authority, by way of Resolution 16-2-077 adopted by the Board on December 22, 2016, exercised the second One (1) Year Option of Contract No. 13-04 for a total unit cost of \$67.75 per ton including the \$3.00 recycling tax for that One (1) Year Period (commencing June 1, 2017 and expiring May 31, 2018); and

WHEREAS, on prior occasion the Authority entered into agreements for Cooperative Marketing for Solid Waste Disposal ("Solid Waste Service Agreement") with Bergen County municipalities wishing to participate therein which Solid Waste Service Agreements terminated on May 31, 2016; and

WHEREAS, on prior occasion the Authority entered into one (1) year extensions of the Solid Waste Service Agreements ("Solid Waste Service Agreement Extension") with Bergen County municipalities wishing to participate therein which Solid Waste Service Agreement Extensions terminate on May 31, 2017, and

WHEREAS, the Board of Commissioners of the Authority has determined, based upon the foregoing, that it is necessary for the efficient operations of the Authority to enter into an additional one (1) year extension of the Solid Waste Service Agreements with Bergen County municipalities wishing to participate therein, with the term of the additional extension terminating on May 31, 2018.

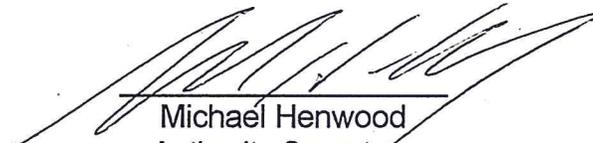
NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Bergen County Utilities Authority as follows:

1. The Executive Director shall be and is hereby authorized to execute an agreement providing for an additional one (1) year extension of the Solid Waste Service Agreement, with the additional one (1) year extension terminating on May 31, 2018, with Bergen County municipalities wishing to participate therein pursuant to the terms of the Act, in such final form as is acceptable to the Authority, as evidenced by the Executive Director's signature thereon, pursuant to the Act.

2. A copy of this Resolution, and the agreement executed pursuant to this Resolution, along with a copy of the Solid Waste Service Agreement and Contract No. 13-04 and any agreements providing for the extension thereof, 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 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 January 26, 2017.



Michael Henwood
Authority Secretary

Dated: January 26, 2017