

①

RESOLUTION

WHEREAS, by previous resolution, the Authority awarded a contract for Woodcliff Wastewater Treatment Facility Improvements to Allied Construction Group, Inc.; and

WHEREAS, in order to accommodate the additional storage needs that this project poses for the wastewater treatment facility, it was determined that a garage would be constructed at the proposed generator site. The garage will house the proposed generator and transformer and provide the additional storage needs resulting from this project. This change order is for the procurement of the various equipment and subcontractors associated with the construction of the new garage and generator building. Additional change orders for installation of this garage are currently being negotiated; and

WHEREAS, after negotiation with the Authority's Engineer, Paulus Sokowloski & Sartor Engineering, the contractor agrees to perform the work as set forth in the proposed Change Order for a total amount of \$ 1,549,211.00, which price represents a fair and reasonable cost for the work; and

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that by this resolution, Paulus Sokowloski & Sartor Engineering is hereby directed to authorize a written Change Order, which will be Change Order No. 3 for the sum of \$ 1,549,211.00 and the contract is hereby amended to reflect same; and

BE IT FURTHER RESOLVED, the Executive Director is authorized and directed to execute the necessary Change Order documents; and

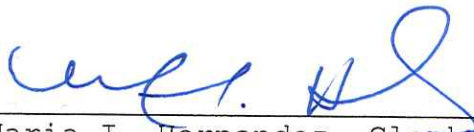
BE IT FURTHER RESOLVED, that any work performed in accordance with this resolution is hereby ratified and approved; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to:

1. Allied Construction Group, Inc.
2. Paulus, Sokowloski & Sartor Engineering

3. Frank Pestana
4. Patricia Bartoli
5. John A. Napolitano, Esq.

DATED: May 16, 2019
ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

CERTIFICATION OF FUNDS
ACCOUNT No. 01-10-303-R/2
Purchase Order No. _____
Contracted Amount \$ 1,549,211
Date 5/16/19
BY: _____
CHIEF FINANCIAL OFFICER
PATRICIA J. BARTOLI

2

RESOLUTION

WHEREAS, on or about March 6, 2018, Amedeo Giuca filed a Complaint in the Superior Court of New Jersey, County of Hudson, Law Division, captioned as *Amedeo Giuca v. North Bergen Municipal Utilities Authority*, which matter was as Docket No. HUD-L-911-18; and

WHEREAS, in accordance with an Order entered by the Honorable Mary K. Costello, P.J.Civil on July 26, 2018, the parties were directed to participate in mediation; and

WHEREAS, on February 27, 2019 the parties participated in a mediation with Andrew T. Fede; and

WHEREAS, on February 27, 2019, the parties reached a tentative settlement agreement, which, by its terms, was subject to the approval of the Board of Commissioners of the North Bergen Municipal Utilities Authority (the "Authority"); and

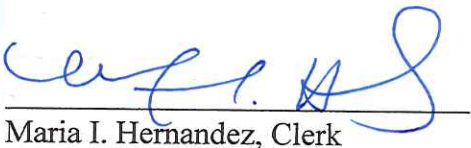
WHEREAS, upon review and consideration of the tentative Settlement Agreement, the Board of Commissioners has determined that the terms set forth therein fail to support the best interests of the Authority and, therefore, the Board of Commissioners expressly reject the tentative Settlement Agreement,

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the North Bergen Municipal Utilities Authority hereby rejects the tentative Settlement Agreement proposed in the matter of *Amedeo Giuca v. North Bergen Municipal Utilities Authority*, and directs its legal counsel to take all necessary action to effectuate this Resolution.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to:

- 1. Frank Pestana, Executive Director
- 2. Patricia Bartoli, Chief Financial Officer
- 3. John A. Napolitano, Esq.
- 4. Mark Tabakin, Esq.
- 5. John Shaw Jr., Sanitation Superintendent

DATED: May 16, 2019
ATTEST:


Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3

RESOLUTION

WHEREAS, the North Bergen Municipal Utilities Authority (NBMUA), along with certain other municipal and county sewerage utility authorities, have formed a consortium known as the New Jersey Harbor Dischargers Group (NJHDG) to address certain issues arising from various studies performed by the New York/New Jersey Estuary Program; and

WHEREAS, the NJHDG wishes to effectively address these issues and avoid the application of inappropriate effluent limitations for New Jersey dischargers by the EPA and New Jersey DEP; and

WHEREAS, in an effort to achieve this goal, each member authority of the NJHDG, including the NBMUA, has passed a resolution authorizing its Executive Director to enter into a joint agreement with other member authorities to contract, on behalf of the NBMUA, and as a member of the NJHDG for the performance of certain professional services as a technical advisor of the NJHDG; and

WHEREAS, the Great Lakes Environmental Center (Great Lakes), with a principal office at 739 Hastings Street, Traverse City, Michigan, has certain expertise as a technical advisor in this area and the NBMUA, along with other members of the NJHDG, have contracted with Great Lakes to perform certain services as a technical advisor for the period of June 1, 2019 to May 31, 2020; and

WHEREAS, this proposal work does constitute professional services as defined by the New Jersey Local Public Contracts Law and, therefore, is not subject to bidding requirements; and

WHEREAS, the MUA's pro rata share, as a member of the NJHDG, for the cost of retaining Great Lakes to perform the services is \$ 7,084.80 and

WHEREAS, it is the intention and desire of the Board, as a member of the NJGDG, to retain the services of Great Lakes for purposes of performing this service; and

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that the Board, as a member of the New Jersey Harbor Dischargers Group, agrees to retain the company of Great Lakes Environmental Center, located at 739 Hastings Street, Traverse City, Michigan, to perform certain professional services in accordance with its proposal at a fixed pro rata cost to the MUA of \$ 7,084.80; and

BE IT FURTHER RESOLVED, that the Clerk be and hereby is authorized and directed to publish a notice of this contract pursuant to the Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to:

1. Great Lakes Environmental Center
2. Bergen County Utilities Authority (Lead Agency)
3. Frank Pestana, Executive Director
4. Patricia Bartoli, Chief Financial Officer
5. John A. Napolitano, Esq.

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

DATE: May 16, 2019
ATTEST:


Maria I. Hernandez, Clerk

CERTIFICATION OF FUNDS
ACCOUNT No. 01-70-202-302-5320
Purchase Order No. 708480
Contracted Amount \$ 7,084.80
Date 5/16/19
BY: P. Bartoli
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI

4

RESOLUTION

WHEREAS, the North Bergen Municipal Utilities Authority (“AUTHORITY”), having administrative offices at 6200 Tonnelle Avenue, North Bergen, New Jersey 07047, is desirous of authorizing the appointment of a Liaison from the Town of Guttenberg (“GUTTENBERG”), with offices located at 6808 Park Avenue, Town of Guttenberg, New Jersey, 07093, to the Board; and

WHEREAS, the AUTHORITY and GUTTENBERG have various ongoing interests which requires the parties to work together for the benefit of both the AUTHORITY and GUTTENBERG; and

WHEREAS, the AUTHORITY and GUTTENBERG wish to better effectuate communication to facilitate the progression of ongoing projects as well as future endeavors; and

WHEREAS, the AUTHORITY wishes to allow GUTTENBERG to appoint a Liaison to serve on the Board to better effectuate communication in furtherance of ongoing, and future, projects and endeavors; and

WHEREAS, the AUTHORITY and GUTTENBERG have mutual interests in appointing a GUTTENBERG Liaison to the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY that the appointment of a GUTTENBERG Liaison to the Board be and hereby is requested and authorized;

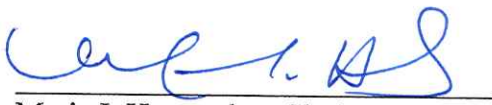
BE IT FURTHER RESOLVED that a certified copy of this resolution be

sent to:

1. Alberto Cabrera, Town Clerk, c/o Town of Guttenberg
2. Christopher Pianese, Township Administrator, Township of North Bergen
3. Frank Pestana, Executive Director
4. Patricia Bartoli, Chief Financial Officer
5. John A. Napolitano, Esq., General Counsel

DATED: May 16, 2019

ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority

	Yes	No	Not Voting
Censullo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

5

RESOLUTION OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY IN THE COUNTY OF HUDSON AWARDDING THE FINANCING OF THE LEASE PURCHASE OF 2 WESTERN STAR TRUCKS WITH REAR LOAD BODIES AND RELATED ACQUISITIONS THROUGH THE COMPETITIVE BID AND EXECUTION OF A LEASE PURCHASE AGREEMENT, APPROVING THE FORM OF CERTAIN AGREEMENTS INCLUDING A LEASE PURCHASE AGREEMENT, AUTHORIZING CERTAIN OFFICIALS TO EXECUTE SUCH AGREEMENTS AND AUTHORIZING OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TRANSACTION.

WHEREAS, The North Bergen Municipal Utilities Authority in the County of Hudson, New Jersey (the "Board" when referring to the governing body) has determined to lease purchase finance the acquisition of 2 Western Star Trucks with Rear Load Bodies, and other miscellaneous costs required to enter into a Lease Purchase Agreement ("Lease, Agreement") for an amount of not to exceed \$415,200 for the trucks and \$30,435.82 for the financing, and a term not to exceed five-years (collectively, the "Acquisition"); and

WHEREAS, Educational Services Commission of New Jersey Lease Purchase (ESCNJ) will serve as bid coordinator to conduct a competitive bid (Bid) for the Lease Purchase to finance the cost of the Acquisition pursuant to the attached contract; and

WHEREAS, ESCNJ has conducted the Bid for the Lease Purchase on or before May 1, 2019 and has made its recommendation to the Board prior to the May 2019 Board meeting; and

WHEREAS, The Board wishes to expedite the payment of the respective vendors of the Acquisition;

NOW THEREFORE BE IT RESOLVED BY THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY IN THE COUNTY HUDSON, NEW JERSEY, AS FOLLOWS:

The Board authorizes the Chief Financial Officer to award the Bid for the Lease Purchase upon the written recommendation of the Lease Purchase Coordinator and to enter into Lease with the successful bidder; and

The Board hereby approves the execution of the Lease to the Lessor in order to finance the Acquisition and authorizes the sale of the Lease to the recommended low bidder as Lessor. This award is to be made in accordance with the proposal form submitted by the Lessor to the Chief Financial Officer as of the date of the Bid, said proposal shall be attached hereto, and kept on file with the Board Secretary. The lowest bidder is Bank Funding, LLC on behalf of its assignee, at 14024 Clopper Road, Boyds, MD 20841; and

The Board authorizes the Chief Financial Officer to approve any changes or deletions to the Lease Agreement or related documents as may, in the judgment of Counsel be necessary, advisable and in the best interest of the Board; and

The Board authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds in accordance with the Governmental Unit Deposit Protection Act (GUDPA), and to direct the deposit and investment of the lease proceeds in escrow for the term of the lease; and


The Board hereby delegates the Chief Financial Officer the ability to execute the lease purchase agreement and other related financing documents with recommended low bidder, serving as the Lessor and purchaser of the lease purchase agreement (the "Lessor" and "Purchaser"), and Escrow Agent (Escrow Agent); and

The Lease is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 (b) (3) (ii) of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to:

- 1. Bank Funding, LLC
- 2. Frank Pestana, Executive Director
- 3. Patricia Bartoli, Chief Financial Officer
- 4. John Napolitano, Esq.
- 5. John Shaw Jr., Sanitation Superintendent

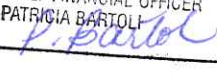
DATE: May 16, 2019
ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority			
	Yes	No	Not Voting
Cansullo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

CERTIFICATION OF FIN
ACCOUNT No. 01-20-103-5624
Purchase Order No. _____
Contracted Amount \$ 415,200 + 30,435.82
Date 5/16/19
BY: _____
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI


6

**REIMBURSEMENT RESOLUTION FOR THE LEASE PURCHASE OF
TWO GARBAGE TRUCKS**

**RESOLUTION OF THE BOARD OF THE NBMUA DECLARING ITS
INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF A
TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES MADE
AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITIONS
MADE DURING A LEASE PURCHASE OF GARBAGE TRUCKS**

WHEREAS, THE NBMUA (the "Lessee") is a political subdivision organized and existing under the laws of **NEW JERSEY**; and

WHEREAS, the Lessee will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the lease purchase project (the "Project"); and

WHEREAS, the CHIEF FINANCIAL OFFICER of the Lessee (the "Board") has determined that the money to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Lessee for the Expenditures from the proceeds of one or more issues of tax-exempt obligations (the "Obligations");

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS
FOLLOWS:**

Section 1. The Board hereby declares the Lessee's intent to reimburse the Lessee with the proceeds of the Obligations for the Expenditures with respect to the Project made on and after the date hereof. The Lessee reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Obligations.

Section 2. Each Expenditure [was and] will be (a) of a type properly chargeable to the appropriate account under general federal income tax principles (determined in each case as of the date of the Expenditure) and (b) complies with all applicable General Fund regulations and regulations of the State of New Jersey.

Section 3. The maximum cost of the Project is expected to be \$445,563.82.

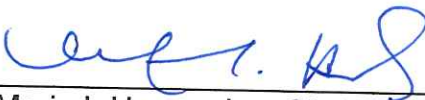
Section 4. The Lessee will make a reimbursement allocation, which is a written allocation by the Lessee that evidences the Lessee's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Division recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small Lessees" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to:

1. Bank Funding, LLC
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. John Napolitano, Esq.
5. John Shaw Jr., Sanitation Superintendent

DATE: May 16, 2019
ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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7

RESOLUTION

WHEREAS, there is a need to retain a Generator Repair/Maintenance Service for the Wastewater Department; and

WHEREAS, the generator repair/maintenance company of EMR Power Systems, LLC possesses expertise in this area and has been deemed to have submitted the lowest responsible quote; and

WHEREAS, it is the intention and desire of the Board to retain the services of EMR Power Systems, LLC for a two-year period ending April 30, 2021; and

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that EMR Power Systems, LLC, P.O. Box 3787, Trenton, New Jersey, 08629, provide the aforementioned services in accordance with its quote dated March 28, 2019 in an amount of \$ 6,500.00 per year; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be sent to:

1. EMR Power Systems, LLC
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. John A. Napolitano, Esq.

DATED: May 16, 2019
ATTEST:


Maria I. Hernandez, CLERK

Municipal Utilities Authority			
	Yes	No	Not Voting
Censullo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CERTIFICATION OF FUNDS
ACCOUNT No. 01-10-204303-5900
Purchase Order No. _____
Contracted Amount \$ 6,500.00
Date 5/16/19
BY: P. Bartoli
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI

8

RESOLUTION

WHEREAS, per the 2013 Sewer Revenue Refunding Bonds,, it is necessary to perform wire transfers from Oritani Bank Sewer Revenue account to U.S. Bank Debt Service and Operating account; and

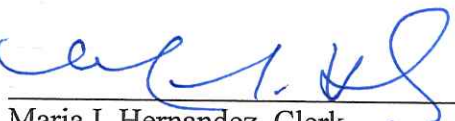
WHEREAS, the Chief Financial Officer, Patricia Bartoli is authorized and directed to execute the required wire transfers; and

RESOLVED, by the Members of the North Bergen Municipal Utilities Authority in the County of Hudson, State of New Jersey, that the wire transfer in the amount of \$ 1,527,044.33 is hereby approved for payment; and

BE IT FURTHER RESOLVED, that the Acting Clerk to the MUA be and she is hereby authorized and directed to send a certified copy of this resolution to the following:

1. Frank Pestana, Executive Director
2. Patricia Bartoli, Chief Financial Officer
3. John Napolitano, Esq.

DATED: May 16, 2019
ATTEST:


Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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CERTIFICATION OF FUNDS
ACCOUNT No. 10-10-000-2019
Purchase Order No. 1527044.33
Contracted Amount \$
Date 5/16/19
BY: 
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI

9

RESOLUTION

RESOLVED, by the Members of the North Bergen Municipal Utilities Authority in the County of Hudson, State of New Jersey, that the following claims in the amount of \$1,413,767.31 they are hereby approved for payment if and when funds are available.

SEE ATTACHED LIST


BE IT FURTHER RESOLVED, that the Acting Clerk to the M.U.A. be and she is hereby authorized and directed to send a certified copy of this resolution to the following:

- 1. Frank Pestana, Executive Director
- 2. Patricia Bartoli, Chief Financial Officer
- 3. John Napolitano, Esq.

Municipal Utilities Authority	Yes	No	Not Voting
Censullo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMOVE COVER TO RE-INK • USE IDEAL INK ONLY

DATED: May 16, 2019
ATTEST:


Maria I. Hernandez, Clerk