

1

RESOLUTION

**WHEREAS,** the Authority's budget was required to be submitted to the Department of Community Affairs by November 1, 2021; and

**WHEREAS,** it will be submitted on November 10, 2021 because the Authority was waiting for actual figures so that it may properly and more accurately project its 2022 budget; and

**NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY,** that this resolution for late submission of the budget is hereby adopted; and

**BE IT FURTHER RESOLVED,** that copies of this resolution shall be sent to the Department of Community Affairs in accordance with its requirements; and

**BE IT FURTHER RESOLVED,** that certified copies of this resolution shall also be sent to:

1. Department of Community Affairs
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. John A. Napolitano, Esq.

**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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DATE: November 10, 2021  
ATTEST:

  
\_\_\_\_\_  
Maria I. Hernandez, Clerk

2

2022 AUTHORITY BUDGET RESOLUTION  
North Bergen Municipal Utilities Authority

FISCAL YEAR: FROM: January 1, 2022 TO: December 31, 2022

WHEREAS, the Annual Budget and Capital Budget for the North Bergen Municipal Utilities Authority for the fiscal year beginning, January 1, 2022 and ending, December 31, 2022 has been presented before the governing body of the North Bergen Municipal Utilities Authority at its open public meeting of November 10, 2021 and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 25,566,689, Total Appropriations, including any Accumulated Deficit if any, of \$ 26,702,752 and Total Unrestricted Net Position utilized of 1,136,063; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$26,000,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0.00; and

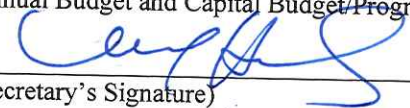
WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for 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 North Bergen Municipal Utilities Authority, at an open public meeting held on November 10, 2021 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the North Bergen Municipal Utilities Authority for the fiscal year beginning, January 1, 2022 and ending, December 31, 2022 is hereby approved; 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 North Bergen Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 8, 2021.

  
(Secretary's Signature)

11-10-2021  
(Date)

Governing Body  
Member: Recorded Vote  
Aye Nay Abstain Absent

Note Fill in the name of Each Commissioner and indicate their recorded Vote

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"/>

3

RESOLUTION

BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that Patricia Bartoli be, and is hereby appointed a Public Agency Compliance Officer (PACO) to the North Bergen Municipal Utilities Authority; and

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

- 1. State of New Jersey Division of Contract Compliance
- 2. Patricia Bartoli, Chief Financial Officer
- 3. Frank Pestana, Executive Officer
- 4. John A. Napolitano, Esq.
- 5. Township 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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DATE: November 10, 2021  
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Maria I. Hernandez, Clerk



4

**RESOLUTION**

**WHEREAS**, as required by law, the Authority performed an audit for the year ending December 31, 2020; and

**WHEREAS**, the Auditor for the Authority made certain recommendations as specifically noted in the comments and recommendation section of the audit and attached hereto; and

**WHEREAS**, pursuant to N.J.A.C. 5:31-7.6(i), the Authority is required to adopt a corrective action plan implementing the recommendations of its Auditor; and

**WHEREAS**, the Authority wishes to address these recommendations and develop and implement the attached corrective action plan; and

**NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY**, that the attached corrective action plan is hereby adopted and approved by the Authority; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized and directed to take all steps necessary to effectuate the terms of this resolution; and

**BE IT FURTHER RESOLVED** those copies of this resolution shall be sent to:

1. Jacquelyn A. Suarez, Director, NJDCA
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. 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"/>
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Maria I. Hernandez, Clerk

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**RESOLUTION**

**WHEREAS,** N.J.S.A. 40A:5A-15 requires each Authority to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS,** the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the North Bergen Municipal Utilities Authority as per the requirements of N.J.S.A. 40A:5A-15, and a copy has been received by each member of the governing body; and

**WHEREAS,** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-52; and

**WHEREAS,** the Local Finance Board has promulgated a regulation requiring that the governing body of each Authority shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body has reviewed the annual audit and specifically the sections of the annual audit entitled:

Comments

Recommendations

and,

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit and specifically, the section of the annual audit entitled:

Comments

Recommendations

as evidenced by the Group Affidavit from the governing body; and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board; and

**WHEREAS,** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, COUNTY OF HUDSON, that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

DATED: November 10, 2021  
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"/>

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**RESOLUTION**

**WHEREAS**, per the 2013 Sewer Revenue Refunding Bonds,, it is necessary to perform wire transfers from Valley National 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 \$1,433,930.25 is hereby approved for payment; and

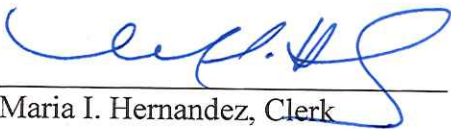
**BE IT FURTHER RESOLVED**, that the Acting Clerk to the MUA be and she is hereby authorized and directed to send a certified copy of this resolution to the following:

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

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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DATED: November 10, 2021  
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Maria I. Hernandez, Clerk

**CERTIFICATION OF FUNDS**  
ACCOUNT No. 11-00-000-1014  
Purchase Order No. \_\_\_\_\_  
Contracted Amount \$ 1,433,930.25  
Date 11/10/21  
BY: \_\_\_\_\_  
CHIEF FINANCIAL OFFICER  
PATRICIA BARTOLI  
P. Bartoli

7

**NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION ACCEPTING AND IMPLEMENTING FACT-FINDER'S REPORT**

**WHEREAS**, the North Bergen Municipal Utilities Authority ("Authority") and IBT Local 125 ("Union") are parties to a collective negotiations agreement covering the period from January 1, 2016 through December 31, 2019; and

**WHEREAS**, the Parties negotiated in good faith for a successor collective negotiations agreement but reached impasse regarding the terms of a successor agreement; and

**WHEREAS**, pursuant to *N.J.A.C. 19:12-3.1* and *4.1*, the Parties invoked the statutory mediation/fact finding procedures, which culminated in Fact-finding; and

**WHEREAS**, the Fact-Finder issued a Report, dated October 6, 2021 ("Fact-Finder's Report"); and

**WHEREAS**, pursuant to *N.J.A.C. 19:12-4.3(g)*, the Authority offered to meet with the Union to exchange positions to try and reach an amicable agreement on the unresolved issues, but the Union refused to so meet; and

**WHEREAS**, despite the Authority negotiating in good faith and complying with the requirements set forth at *N.J.A.C. 19:12-1, et seq.*, the Parties' impasse persists; and

**WHEREAS**, because the Parties have exhausted PERC's impasse procedures without resolving their impasse, the Authority has the legal authority to unilaterally implement the terms and conditions of its last, best offer to the Union (inclusive of the Fact-Finder's Report); and

**WHEREAS**, the Authority deems it to be in its best interests to accept and implement the Fact-Finder's Report; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the North Bergen Municipal Utilities Authority, in the County of Hudson, New Jersey, that the North Bergen Municipal Utilities Authority does hereby accept the Fact-Finder's Report dated October 6, 2021.

**BE IT FURTHER RESOLVED** that the Board of Commissioners of the North Bergen Municipal Utilities hereby authorizes the Executive Director (and others as deemed appropriate) to take all actions needed to effectuate the terms of this Resolution and fully and expeditiously implement the terms set forth in the Fact-Finder's Report.



**BE IT FURTHER RESOLVED** that the Clerk of the MUA be and is hereby authorized and directed to furnish a certified copy of this resolution to the following:

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

DATED: November 10, 2021  
ATTEST:

  
\_\_\_\_\_  
Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	No	Not Voting
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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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**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 \$1,979,782.45 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 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"/>
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Maria I. Hernandez, Clerk