

1

RESOLUTION AUTHORIZING CONTRACT WITH MAJ ASSOCIATES FOR PROFESSIONAL RELOCATION SERVICES TO PREPARE A WORKABLE RELOCATION ASSISTANCE PLAN AND PERFORM RELOCATION SERVICES FOR PROPERTIES LOCATED AT 2026 83RD STREET (BLOCK 458 LOT 6) AND 2025 85TH STREET (BLOCK 458, LOT 13), IN THE TOWNSHIP OF NORTH BERGEN

WHEREAS, the North Bergen Municipal Utilities Authority (the “Authority”) requires professional relocation assistance services in anticipation of a potential condemnation of properties located at 2026 83rd Street (Block 458, Lot 6) and 2025 85th Street (Block 458, Lot 13), in the Township of North Bergen (collectively referred to herein as the “Property”); and

WHEREAS, the Authority has received a proposal from MAJ Associates (“MAJ”) in the amount of \$5,900 for the preparation of the workable relocation assistance plan (“WRAP”) and a rate of \$175 per hour for relocations services for the Property; and

WHEREAS, the Authority wishes to enter into a contract with MAJ for professional relocation assistance services in accordance with the terms of the proposal, which may be awarded without public advertising for bids pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4(a)(3), the Authority certifies the availability of funds to cover the maximum dollar value of the pending contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Members of the North Bergen Municipal Utilities Authority do hereby authorize the proposal submitted by MAJ Associates, 84-51 Beverly Road, Suite 5V, Kew Gardens, NY 11415, which is attached hereto as **Exhibit A**, for the provision of the required professional relocation assistance services in connection with potential condemnation of properties located at 2026 83rd Street (Block 458, Lot 6) and 2025 85th Street (Block 458, Lot 13), in the Township of North Bergen, for the total amount of \$5,900 to prepare the workable relocation assistance plan with a rate of \$175 per hour for relocations services.
3. The Authority’s Executive Director, Authority Attorney or any other official, officer or employee of the Authority be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
4. The Clerk be and hereby is authorized and directed to publish a notice of this contract pursuant to the Local Public Contracts Law.

5. A copy of this Resolution shall be sent to:

- a) Frank Pestana, Executive Director
- b) Patricia Bartoli, Chief Financial Officer
- c) John A. Napolitano, Esq.
- d) Michael Jovishoff, PP of MAJ Associates

DATED: June 14, 2023

ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority	Yes	NO	Not Voting
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CERTIFICATION OF FUNDS
ACCOUNT No. 01-188-1175
Purchase Order No. _____
Contracted Amount \$ 5,470
Date 6/14/23
BY: _____
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI P. Bartoli

(2)

RESOLUTION DECLARING EMERGENCY AND AUTHORIZING EMERGENCY PROCUREMENT BY THE EXECUTIVE DIRECTOR

WHEREAS, the North Bergen Municipal Utilities Authority (the "Authority") has been advised by its Executive Director in a written Certification that on June 13, 2023, an emergency situation exists due to sanitary sewer backup and discharge onto private property from a blocked combined sewer overflow ("CSO") outfall; and

WHEREAS, it is necessary to retain an emergency contractor to repair the CSO outfall, correct the sanitary sewer backup and prevent further discharge on an emergency basis; and

WHEREAS, the Authority is desirous of authorizing an Emergency Procurement by the Executive Director.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority finds that, in accordance with the attached Certification of its Executive Director, that an emergency situation exists due to sanitary sewer backup and discharge onto private property and that it was necessary to retain an emergency contractor to repair the CSO outfall, correct the sanitary sewer backup and prevent further discharge on an emergency basis.
3. The Authority further finds that the situation was not foreseeable and the emergency is an actual or imminent threat to public health and safety requiring the immediate delivery of the goods or the performance of services.
4. The contract for emergency procurement is hereby approved and awarded as follows:
 - a) To J Fletcher Creamer & Son, Inc. for emergency sewer repair services.
5. A copy of this Resolution shall be sent to:
 - a) J Fletcher Creamer & Son, Inc.
 - b) Frank Pestana, Executive Director
 - c) Patricia Bartoli, Chief Financial Officer
 - d) John A. Napolitano, Esq.

DATED: June 14, 2023

ATTEST:

Maria I. Hernandez, Clerk

Municipal Utilities Authority		Yes	NO	Not Voting
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mank
 DeSa
 Plazza
 Henriquez
 Lombardi
 Goscinski

LAST
 LAST

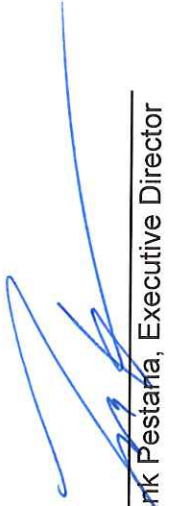
CERTIFICATION OF EMERGENCY

To: The Members of the Board of the North Bergen Municipal Utilities Authority
Cc: Patricia Bartoli, Chief Financial Officer
From: Frank Pestana, Executive Director
Date: June 13, 2023
Re: Certification of Emergency
Emergency Sewer Repair

This is to request your approval of a resolution authorizing the emergency repair as follows:

Name of Firm: J Fletcher Creamer & Son, Inc.

1. The Authority is in receipt of correspondence regarding a blockage at a CSO outfall, potential sanitary sewer backup and discharge onto private property, which affects public health and safety.
2. I have reviewed the Rules and Regulations of the Division of Local Government Services as contained in the Local Public Contract Guidelines and Regulations and certify that the proposed contract may be considered as an emergency.


Frank Pestana, Executive Director

3

**RESOLUTION TO CALL UPON U.S. SENATORS TO SPONSOR
THE "WATER SYSTEMS PFAS LIABILITY PROTECTION
ACT"**

WHEREAS, the North Bergen Municipal Utilities Authority (the "Authority") calls upon the U.S. Senators from New Jersey, the Hon. Robert Menendez and the Hon. Cory A. Booker to join the U.S. Senator from Wyoming, the Hon. Cynthia Lummis, in sponsoring the "Water Systems PFAS Liability Protection Act" (S. 1430); and

WHEREAS, the mission of the Authority is to protect and preserve the environment and to establish the proper corrective and preventative maintenance policies for the wastewater collection system and treatment facility, while being fiscally responsible and protecting the interests of its ratepayers; and

WHEREAS, perfluoroalkyl or polyfluoroalkyl substances ("PFAS") are a threat to human health and the environment; and

WHEREAS, the Authority is ready and willing to do its part to remove PFAS from its systems to protect public health and the environment; and

WHEREAS, the U.S. Environmental Protection Agency (the "EPA") proposes to designate certain PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or the "Superfund Act"); and

WHEREAS, currently, public water systems, publicly owned or operated treatment works, municipalities with permits issued for stormwater discharges, political subdivisions of a State or special districts of a State acting as a wholesale water agency, and contractors performing management or disposal activities for such public entities (collectively referred to as "Public Entities") are potentially subject to CERCLA regarding PFAS; and

WHEREAS, CERCLA was enacted to hold polluters responsible for environmental cleanups; and

WHEREAS, being subject to such a CERCLA designation regarding PFAS would ensnare Public Entities in endless litigation at the expense of taxpayers and ratepayers; and

WHEREAS, in the past, some New Jersey public utilities have been drawn into CERCLA actions even though the public utilities were not polluters; and

WHEREAS, the EPA's assurances that it will rely on its enforcement discretion to keep Public Entities from being forced to pay for PFAS cleanup under CERCLA falls short because: (1) discretion can vary based on administration, and (2) polluters may employ legal strategies that draw Public Entities into litigation; and

WHEREAS, taxpayers and ratepayers are "innocent bystanders" and should not be made to pay to advance polluters' legal strategies, nor should taxpayers and ratepayers be subject to the regulatory uncertainty associated with EPA discretion; and

WHEREAS, the cost implications of CERCLA designation are complicated by the fact that PFAS are not introduced into the environment in a single or even several discreet "spills" but are continually being introduced into the environment; and

WHEREAS, the "Water Systems PFAS Liability Protection Act" (S. 1430) would prevent recovery of costs or damages for Public Entities under CERCLA for costs arising from a release to the environment of a covered PFAS.

**NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that:**

1. The aforesaid recitals are incorporated herein as though fully set forth at length.

2. The Members of the North Bergen Municipal Utilities Authority do hereby call upon the U.S. Senators from New Jersey, the Hon. Robert Menendez and the Hon. Cory A. Booker to join the U.S. Senator from Wyoming, the Hon. Cynthia Lummis, in sponsoring the "Water Systems PFAS Liability Protection Act" (S. 1430) because same would explicitly exempt public water systems, publicly owned or operated treatment works, municipalities with permits issued for stormwater discharges, political subdivisions of a State or special districts of a State acting as a wholesale water agency, and contractors performing management or disposal activities for such entities from CERCLA liability for covered PFAS.

3. A copy of this Resolution shall be sent to:

- a) Frank Pestana, Executive Director
- b) Patricia Bartoli, Chief Financial Officer
- c) John A. Napolitano, Esq., Authority Counsel

- d) The Hon. Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington DC 20510

- e) The Hon. Cory A. Booker
United States Senate
717 Hart Senate Office Building
Washington DC 20510

DATED: June 14, 2023

ATTEST:



Maria I. Hernandez, Clerk

Municipal Utilities Authority

Yes

NO

Not Voting

DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4

RESOLUTION

WHEREAS, there is a need to retain a company to maintain and service the HVAC systems of the Authority's facilities; and

WHEREAS, the company of In-Line Air Conditioning Co., Inc. 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 In-Line Air Conditioning Co., Inc. for a period from June 1, 2023 to May 31, 2024; and

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH

BERGEN MUNICIPAL UTILITIES AUTHORITY, that In-Line air Conditioning Co., Inc., 85 East 21st Street, Bayonne, New Jersey 07002 provide the services in accordance with its quote dated April 19, 2023 in an amount not to exceed \$ 11,748.59 for (1) year; and


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

1. In-Line Air Conditioning Co., Inc.
2. Frank Pestana, Executive Director
3. Patricia Bartoli, Chief Financial Officer
4. John A. Napolitano, Esq.

Municipal Utilities Authority		NO	Not Voting
Yes		<input type="checkbox"/>	<input type="checkbox"/>
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 14, 2023

Attest:



Maria I. Hernandez, Clerk

CERTIFICATION OF FUNDS / 5920
 ACCOUNT No. 014151711
 Purchase Order No. 1719005
 Contracted Amount \$ 11,748.59
 Date 6/14/23
 BY: P. Bartoli
 CHIEF FINANCIAL OFFICER
 PATRICIA BARTOLI

(5)

RESOLUTION AUTHORIZING VENDOR CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR PARTICIPATION IN THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP) AND WINTER TERMINATION PROGRAM

WHEREAS, Governor Phil Murphy signed P.L. 2023, c.33, into law, requiring all local vendors that directly bill residential customers for water and/or sewer to sign a vendor contract with the New Jersey Department of Community Affairs (the “DCA”) to participate in the Low-Income Household Water Assistance Program (“LIHWAP”) and Winter Termination Program; and

WHEREAS, the LIHWAP assists low-income households that are paying a high proportion of their income for drinking water and wastewater services; and

WHEREAS, residential customers approved for LIHWAP by DCA (hereinafter “qualified customers”) will receive a benefit to pay arrears, which is based on the actual amount of water and/or sewer arrears up to a maximum of \$4,000 per water or sewer provider, or \$8,000 if water and sewer services are combined; and

WHEREAS, qualified customers must have a monthly household income at or below 60% of the State median income; and

WHEREAS, the LIHWAP benefit is paid directly to the local unit; and

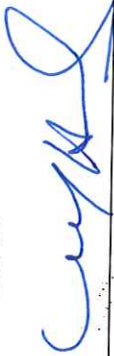
WHEREAS, the North Bergen Municipal Utilities Authority (the “Authority”) desires to enter into a vendor contract with DCA pursuant to the Law.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Members of the North Bergen Municipal Utilities Authority do hereby authorize the Authority’s Executive Director, Authority Attorney or any other official, officer or employee of the Authority be and they are hereby authorized to execute any and all documents and to take any and all actions necessary for participation in the LIHWAP and to any other documents necessary to complete and realize the intent and purpose of this Resolution.
3. A copy of this Resolution shall be sent to:
 - a) Frank Pestana, Executive Director
 - b) Patricia Bartoli, Chief Financial Officer
 - c) John A. Napolitano, Esq.

DATED: June 14, 2023

ATTEST:



Maria I. Hernandez, Clerk

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

6

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 \$1,551,232.92 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		NO	Not Voting
	Yes		
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 14, 2023
ATTEST:



Maria I. Hernandez, Clerk

CERTIFICATION OF FUNDS
ACCOUNT No. 81-90-800-1014
Purchase Order No. _____
Contracted Amount \$ 1,551,232.92
Date 6/14/23
BY: _____
CHIEF FINANCIAL OFFICER
PATRICIA BARTOLI P. Bartoli

7

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 \$596,666.64 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
DeSantis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piazza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henriquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lombardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goscinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: June 14, 2023

ATTEST:

Maria I. Hernandez, Clerk