

**WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY
REORGANIZATION MEETING MINUTES
FEBRUARY 26, 2014**

The WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY conducted a Re-Organization Meeting which commenced at 6:04 p.m., in the Wanaque Valley Regional Sewerage Authority Administration Building, Wanaque, New Jersey with Chairman Robert Moshman presiding.

ANNOUNCEMENT

Mrs. Maas, Recording Secretary, read the following announcement.

This is the Reorganization Meeting of the Wanaque Valley Regional Sewerage Authority. Notice of this meeting was furnished to the Municipal Clerks of Ringwood, Wanaque and West Milford; with a request that an additional cop of the Notice be posted in each Municipal Building. A copy of the notice was also sent to the North Jersey Herald News, the Record and the Trends and placed on the WVRSA website. A copy of the notice will be filed with the minutes of this meeting.

SALUTE TO THE FLAG

Chairman, Robert Moshman led the flag salute.

ROLL CALL

Mrs. Maas, Recording Secretary took Roll Call

Commissioners Present: Andrew Bolduc, Frank Covelli, Robert Hadley, Scott Heck and Robert Moshman

Also Present:

William J. Bailey, Esq., Huntington Bailey, LLP
Charles Ferraioli, Jr., Ferraioli, Weilkotz, Cerullo & Cuva
James Kelly, P.E., Boswell Engineering
Gregory White, Executive Director
Margaret M. Maas, Recording Secretary

The Chairman stated that this is the Reorganization Meeting and we will start with Nominations and Election of Officers.

NOMINATIONS AND ELECTION OF OFFICERS

The Chairman asked if anyone had any nominations.

CHAIRMAN

The name of Robert Moshman was placed in nomination for Chairman by Robert Hadley and 2nd by Frank Covelli. Commissioner Covelli asked permission to amend that nomination to include the following; Frank Covelli as Vice-Chairman, Robert Hadley as Secretary, Scott Heck as Assistant Secretary, and Andrew Bolduc as Treasurer and to do it all in one motion. Commissioner Covelli asked Commissioner Hadley if he would accept his amendment and Commissioner Hadley responded yes.

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NOMINATION AND ELECTION OF OFFICERS # R1-14

MOTION Moved by Robert Hadley, 2nd by Frank Covelli to adopt Resolution # R1-14 to nominate the following; Robert Moshman as Chairman, Frank Covelli as Vice-Chairman, Robert Hadley as Secretary, Scott Heck as Assistant Secretary and Andrew Bolduc as Treasurer as the Officers of the Wanaque Valley Regional Sewerage Authority.
The Chairman asked for a Roll Call.
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.
MOTION CARRIED

PROFESSIONAL SERVICES # R2-14

WHEREAS, under the New Jersey Public Contract Law, N.J.S.A. 40a:11-5(1) the Authority is authorized to award professional service contracts without public bidding; and

WHEREAS, the Authority has solicited by publication proposals to fill the positions of General Counsel, Authority Auditor, Authority Engineer, Environmental Consultant, Risk Management Consultant and Bond Counsel; and

WHEREAS, the Authority has received proposals for each position and has determined to award such contracts on a Fair and Open basis considering the criteria set forth in the public solicitation, together with other factors considered to be in the best interest of the Authority;

The Chairman asked before we go into this, does anyone wish to have any of these pulled off of the Agenda and to go into Closed Session for discussion or should we proceed. It was agreed that the meeting proceed .

The Chairman asked if there was a motion to fill the position of General Counsel.

Commissioner Covelli made a motion to fill the position of General Counsel with William J. Bailey, Esq., of Huntington Bailey, LLP. Commissioner Hadley 2nd the motion. The Chairman asked if this can be done general vote or does it need to be done by Roll Call. Commissioner Covelli asked if all the professionals could be done in a bundle. It was stated that a bundle might not work if anyone has any objection to anyone in particular. Discussion followed. Commissioner Covelli then stated that he would like to amend his motion.

Commissioner Covelli stated that for the purposes of this process that Huntington Bailey, LLP be named as our General Counsel; that Ferraioli, Wielkotz, Cerullo & Cuva be named as our Auditor; that Boswell Engineering be named as our Engineer; that Skylands Risk Management be named as our Risk Management Consultant; that Hawkins, Delafield and Woods be named as Bond Counsel; that the position of Environmental Consultant be left unfilled until such time as we need one. Commissioner Covelli stated that should anyone object to anyone in that bundle, please signify so and we can remove any Professional so noted in that bundle of resolutions. Commissioner Hadley 2nd the amended motion.

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PROFESSIONAL SERVICES # R2-14 Cont.

MOTION Moved by Frank Covelli to adopt Resolution # R2-14 to name the following firms: Huntington Bailey, LLP be named to serve as our General Counsel; that Ferraioli, Wielkotz, Cerullo & Cuva be named to serve as our Auditor; that Boswell Engineering be named to serve as our Engineer; that Skylands Risk Management be named to serve our Risk Management Consultant; that Hawkins, Delafield and Woods be named to serve as Bond Counsel and that the position of Environmental Consultant be left unfilled until such time as we need one
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

APPOINTMENTS # R3-14

Chairman Moshman stated that we now have a series of appointments for Certifying Officer, Recording Secretary, Public Agency Compliance Officer, Open Public Records Act – Records Custodian, Qualified Public Purchasing Agent, NJUA_JIF Fund Commissioner and Alternate, BMED Fund Commissioner and Alternate and WVRSA Webmaster. He asked if anyone would like to make a motion on any of these or a bundle.

MOTION Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution # R3-14 appointing the following:
As Certifying Officer – Gregory White
As Recording Secretary – Margaret M. Maas
As Public Agency Compliance Officer – Gregory White
As Open Public Records Act – Records Custodian – Gregory White
As Qualified Public Purchasing Agent – Thomas Carroll, Wanaque Borough Administrator
As NJUA-JIF Fund Commissioner – Frank Covelli – as Alternate – Gregory White
As BMED Fund Commissioner Gregory White – as Alternate – Frank Covelli
As WVRSA Webmaster – Ms. Kim De Vore at a salary not to exceed \$1,500.00 per year.

The Chairman asked for a Roll Call.

On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

COMMITTEES APPOINTMENTS

RESOLUTION # R4-14

Chairman Moshman stated that next we have a series of Committees, their Chairperson and the Members of those Committees. Commissioner Covelli stated that this is an appointment of the Chairman.

The Chairman stated that although we are flexible throughout the year; he would like to make a motion to preserve the status quo on all of those Committees, Chairmen and the Members.

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COMMITTEES APPOINTMENTS

RESOLUTION # R4-14 Cont.

MOTION Moved by Robert Moshman, 2nd by Robert Hadley to adopt Resolution #R4-14 authorizing retaining all Committees Appointments as they currently are. The Chairman asked for all those in favor to signify so by stating Aye. Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all stated Aye.

MOTION CARRIED

DEPOSITORIES AND SIGNATORIES

RESOLUTION #R-5-14

The Chairman stated that the next item is Depositories and Signatories, which authorizes the individual Banks for our accounts and the signatories required for each account, which are the Revolving Account (O & M Bills), the Payroll Account, the Unemployment Trust Fund Account and the Depository Account.

MOTION Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R 5-14 that with regard to Depositories and Signatories - The Revolving Account currently at Valley National Bank; Payroll Account currently with Lakeland State Bank; the Unemployment Trust Fund Account currently with Lakeland State Bank; Depository Account currently with Lakeland State Bank remain as they are, with concurrence of our Auditor. The Chairman asked for a Roll Call. On Roll Call Commissioners Covelli, Hadley, Heck and Moshman all voted yes. Commissioner Bolduc abstained.

MOTION CARRIED

SUNSHINE LAW RESOLUTION

RESOLUTION #R 6-14

The Chairman pointed out that the Resolution, as written, covers a number of items that relate to the Sunshine Law's Transparency of where things are posted, what is said for getting information from us. Discussion was held and the following resolutions are each portions of the Sunshine Law, but have been broken out for separate votes and authorizations:

WHEREAS, the "Open Public Meeting Law", P.L., c231, has been enacted by the State Legislature effective January 19, 1976, and

WHEREAS, the Wanaque Valley Regional Sewerage Authority is desirous of continuing to keep the public informed of its activities and to comply with the requirements of the aforesaid Act.

NOW, THEREFORE, The Authority wishes to adopt Resolution #R6-14

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SUNSHINE LAW RESOLUTION
SCHEDULED MEETINGS, NOTICES AND RELATED FEES
RESOLUTION #R 6-14 Cont.

1. In accordance with Section 1 of the Act, the Wanaque Valley Regional Sewerage Authority hereby announces that it shall hold regularly scheduled monthly meetings on the 4th Wednesday, at 6 P.M. in accordance with the following schedule, due consideration being given to legal holidays.
2. The regular below listed meetings will be held at the William M. Gramlich Administration Building, 101 Warren Hagstrom Boulevard, Wanaque, New Jersey and will commence at 6 P.M. prevailing time.

MARCH 26, 2014
APRIL 23, 2014
MAY 28, 2014
JUNE 25, 2014
JULY 23, 2014

AUG/SEP – SEPTEMBER 10, 2014
OCTOBER 23, 2014
NOV/DEC – DECEMBER 10, 2014
JANUARY 27, 2015

3. In accordance with Section 3 of the Act; the newspaper to which all notices required by the aforesaid Act are to be sent to shall be the Record, the Herald News and the Suburban Trends. It was also indicated that the Record would be the official newspaper for publishing legal advertisements.
4. The public places at which all notices shall be posted shall be the bulletin boards situated in the Municipal Buildings of the Borough of Wanaque, the Borough of Ringwood, the Township of West Milford and the Wanaque Valley Regional Sewerage Authority Administration building as well as the WVRSA website.
5. A copy of this annual notice and any other notices required by the Act shall be filed with the respective Clerks of the Borough of Wanaque, the Borough of Ringwood, the Township of West Milford and the West Milford Municipal Utilities Authority. ALL NOTICES shall be placed on the WVRSA website as well.
6. The sum of Twenty-five dollars (\$25.00) shall be fixed as a fee for the upcoming year to be paid in advance by those persons or organizations wishing to be notified of any and all meetings other than the regularly scheduled meetings as set forth above.
7. The following schedule of fees is hereby adopted as being fair and reasonable for seeking copies of official documents and records of the Authority under the so-called New Jersey Right-To-Know law; as adopted by the New Jersey Legislature on November 9, 2010:
 - A) Letter size page or smaller \$0.05 per page
 - B) Legal size page or larger \$0.07 per page.

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SUNSHINE LAW RESOLUTION Cont.
SCHEDULED MEETINGS, NOTICES AND RELATED FEES
RESOLUTION #R 6-14 Cont.

MOTION Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R6-14 of the Sunshine Law Act – the portion relating to Scheduled Meetings, Notices and related fees of the Authority.
The Chairman asked for a Roll Call.
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.
MOTION CARRIED

APPROVAL OF CERTIFIED LAB FEE'S AND LIQUID WASTE DISPOSAL RATES
RESOLUTION #R7-14

The Authority wishes to adopt Resolution #R7-14 Approving NJDEP Certified Lab Fees and Liquid Waste Disposal Rates of the Wanaque Valley Regional Sewerage Authority. (Copy Attached)
The Chairman asked for a Roll Call.
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.
MOTION CARRIED

TITLE 59 RESOLUTION - EMPLOYEE INDEMNIFICATION
RESOLUTION #R8-14

The Authority wishes to adopt an Employee Indemnification Policy and Procedure in accordance with Title 59. Commissioner asked if the Attorney has reviewed this. Mr. Bailey stated yes.

MOTION Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R8-14 as our Indemnification Policy for our employees. Commission Covelli stated that it also covers Commissioners and appointed members. (Copy Attached)
The Chairman asked for a Roll Call.
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.
MOTION CARRIED

SECTION 125 PLAN CONTINUANCE
RESOLUTION #R9-14

The Authority wishes to adopt Resolution #R9-14 adopting the continuance of the offering of a Section 125 plan with respect to mandatory employee health benefits contributions. Commissioner Covelli asked if this only for contributions or does it include a flexible spending account. Mr. White stated it includes both; but they do not have the flexible spending account. Commissioner Covelli asked if we self-administrator Section 125 with regard to the pre-tax contributions. Mr. White responded yes.

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SUNSHINE LAW RESOLUTION Cont.
SECTION 125 PLAN CONTINUANCE Cont.
RESOLUTION #R9-14

Commissioner Covelli that he will adopt this and he would also give the Executive Director, Mr. White, the authority to expand that to include a flexible spending account. Commissioner Covelli stated that he might want to charge that responsibility with the Risk Manager Consultant to do due diligence on it, recommend a vendor and to do employee meetings and educate them. Commissioner Bolduc asked if this was something that the employees asked for. Mr. White stated that it was not something that they had asked for - it was just something that has come up over the years.

The Chairman asked for a Roll Call.

On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

VEHICLE USE POLICY

Commissioner Covelli asked the Chairman if we could postpone action on this item, until next meeting, He stated that he has not read it recently and he would like to have the time to review it. Mr. White stated that if it is appropriate he will have it put on the Agenda for the next meeting. Commissioner Bolduc stated that he agreed with Commissioner Covelli to Table this topic until next meeting.

DESIGNATING SIGNATORIE'S
HIGHLAND STATE BANK - CERTIFICATE OF DEPOSIT - BANK OF NEW YRK MELLON AS TRUSTEE FOR
WVRS - WVRS BOND RESERVE FUND - CERTIFICATE OF DEPOSIT 3073/1 AND CERTIFICATE OF
DEPOSIT 3074-1
RESOLUTION #R10-14

Be it resolved, the following persons are designated as signatories for and authorized to open and deposit or share account (s) in the name of the Corporation and also endorse checks and orders for the payment of money or otherwise withdraw or the transfer of funds on deposit with Highland State Bank.

Commissioner Covelli asked if this is for designating our signatories. He stated that just to be read into the record and for the benefit of the public the signatories will be:

Robert Moshman, Chairman
Gregory White, Executive Director
Elizabeth K. Parrinello, Executive Secretary.

This authorization is for a period of one year commencing on this date.
NOTE Elizabeth K. Parrinello is not authorized to endorse checks.

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DESIGNATING SIGNATORIE'S

HIGHLAND STATE BANK - CERTIFICATE OF DEPOSIT - BANK OF NEW YRK MELLON AS TRUSTEE FOR
WVRS - WVRS BOND RESERVE FUND - CERTIFICATE OF DEPOSIT 3073/1 AND CERTIFICATE OF
DEPOSIT 3074-1

RESOLUTION #R10-14 Cont.

MOTION

Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R10-14 designating Robert Moshman, Chairman, Gregory White, Executive Director and Elizabeth K. Parrinello, Executive Secretary as authorized Signatories for the Highland State Bank - Certificate of Deposit - Bank of New York Mellon as Trustee for WVRS - WVRS Bond Reserve Fund - Certificate of Deposit 3073-1 and Certificate of Deposit # 3074-1. The Chairman asked for a Roll Call.

On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

DESIGNATING SIGNATORIE'S

RESOLUTION #R11-14

LAKELAND STATE B ANK - WVRS SAVINGS ACCOUNT - UNEMPLOYMENT TRUST FUND 93003912 -
WVRS PAYROLL ACCONT #533000905 - WVRS DEPOSITORY ACCOUNT #534019776
VALLEY NATIONAL BANK - O & M REVOLVING ACCOUNT # 720116201

Be it resolved, the following persons are designated as signatories for and authorized to open any deposit or share account(s) in the name of the Corporation and also endorse checks and orders for the payment of money or otherwise withdraw or the transfer of funds on deposit with Lakeland State Bank and Valley National Bank

Commissioner Covelli asked if this is for designating our signatories. He stated that just to be read into the record and for the benefit of the public the signatories will be:

Robert Moshman, Chairman
Gregory White, Executive Director
Elizabeth K. Parrinello, Executive Secretary.

This authorization is for a period of one year commencing on this date.

NOTE Elizabeth K. Parrinello is not authorized to endorse checks.

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DESIGNATING SIGNATORIE'S
RESOLUTION #R11-14 Cont.

LAKELAND STATE BANK - WVRSA SAVINGS ACCOUNT - UNEMPLOYMENT TRUST FUND 93003912 -
WVRSA PAYROLL ACCOUNT #533000905 - WVRSA DEPOSITORY ACCOUNT #534019776
VALLEY NATIONAL BANK - O & M REVOLVING ACCOUNT # 720116201

MOTION

Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R11-14 designating Robert Moshman, Chairman, Gregory White, Executive Director and Elizabeth K. Parrinello, Executive Secretary as authorized Signatories for Lakeland State Bank - WVRSA Savings Account - Unemployment Trust Fund 93003912 - WVRSA Payroll Account #533000905 - WVRSA Depository Account # 534019776 Valley National Bank - O & M Revolving Account #720116201.
The Chairman asked for a Roll Call.
On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

DESIGNATING SIGNATORIES
RESOLUTION #R12-14

BANK OF NEW YORK MELLON - WVRSA BOND RESERVE FUND #377770 - WVRSA BOND SERVICE -
#377771 - WVRSA CONSTRUCTION #377772 - WVRSA GENERAL ACCOUNT #377775 - WVRSA O & M
SUB #377777 - WVRSA RENEWAL & REPLACEMENT #377778 - WVRSA REVENUE 377779

Be it resolved, the following persons are designated as signatories for and authorized to open and deposit or share account(s) in the name of the Corporation and also endorse checks and orders for the payment of money or otherwise withdraw or the transfer of funds on deposit with Bank of New York Mellon.

Commissioner Covelli read into the record and for the benefit of the public that the signatories will be:

ANDREW BOLDUC, COMMISSIONER
FRANK COVELLI, COMMISSIONER
ROBERT HADLEY, COMMISSIONER
SCOTT HECK, COMMISSIONER
ROBERT MOSHMAN, CHAIRMAN
GREGORY WHITEL, EXECUTIVE DIRECTOR
ELIZABETH K. PARRINELLO, SECRETARY

This authorization is for a period of one year commencing on this date.

NOTE: Elizabeth K. Parrinello is not authorized to endorse checks.

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DESIGNATING SIGNATORIES

RESOLUTION #R12-14 Cont.

BANK OF NEW YORK MELLON - WVRSA BOND RESERVE FUND #377770 - WVRSA BOND SERVICE - #377771 - WVRSA CONSTRUCTION #377772 - WVRSA GENERAL ACCOUNT #377775 - WVRSA O & M SUB #377777 - WVRSA RENEWAL & REPLACEMENT #377778 - WVRSA REVENUE 377779

MOTION

Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R12-14 designating Robert Moshman, Chairman, Frank Covelli Commissioner, Robert Hadley, Commissioner, Scott Heck, Commissioner, Gregory White, Executive Director and Elizabeth K. Parrinello, Executive Secretary as authorized Signatories for the WVRSA Accounts #377770, #377771, #377772, #377775, #377777, #377778 and #377779 at Bank of New York Mellon.

The Chairman asked for a Roll Call.

On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

REAFFIRMATION OF WVRSA PERSONNEL POLICY AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

RESOLUTION #R13-14

Chairman Moshman asked Mr. Bailey if the WVRSA Personnel Policy and Employee Procedures Manual and Employee Handbook under a review currently. Mr. Bailey stated yes but it would be correct to reaffirm it at this time and when our review is completed we will do a recertification at that time.

MOTION

Moved by Frank Covelli, 2nd by Robert Hadley to adopt Resolution #R13-14 reaffirming the WVRSA Personnel Policy and Employee Procedures Manual and Employee Handbook, that was last updated in May of 2012.

The Chairman asked for a Roll Call.

On Roll Call Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all voted yes.

MOTION CARRIED

The Chairman stated that that concludes the business portion of our Reorganization Meeting. He further stated that due to the requirements of a Public Portion - he would now open the meeting to the Public.

PUBLIC PORTION

The Chairman asked if there was anyone that wished to address this Board on the actions taken this evening during the Reorganization Meeting. When there was no response; he asked for a motion to close the Public Portion.

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PUBLIC PORTION Cont.

MOTION Moved by Robert Hadley, 2nd by Andrew Bolduc to adopt Resolution #R14-14 closing the Public Portion of this meeting.

The Chairman asked for all those in favor to signify so by stating Aye.
Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all stated Aye.

MOTION CARRIED

ADJOURN

The Chairman asked for a motion to adjourn this meeting.

MOTION Moved by Robert Hadley, 2nd by Andrew Bolduc to adopt Resolution #R14-14 adjourning the Reorganization Meeting.

The Chairman asked for all those in favor to signify so by stating Aye.
Commissioners Bolduc, Covelli, Hadley, Heck and Moshman all stated Aye.

MOTION CARRIED

The meeting was adjourned at 6:29 p.m.

Minutes respectively submitted by,


Margaret M. Maas, Recording Secretary

**NJDEP CERTIFIED LAB #16649
EPA #NJ00342**

SAMPLE ANALYSIS FEE SCHEDULE

<u>PARAMETER</u>	<u>METHOD CERTIFIED</u>	<u>WVRS PRICE PER SAMPLE</u>
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LIMITED CHEMISTRY:

BOD5	S.M. 5210 B.	\$57.50
CBOD5	S.M. 5210 B.	\$57.50
TSS/VSS	S.M. 2540 D.	\$57.50
AMMONIA NITROGEN (NH3-N)	S.M. 4500 B/C.	\$57.50
TOTAL PHOSPHORUS	S.M. 4500 PE.	\$57.50
TOTAL / VOLATILE SOLIDS	S.M. 2540 B.	\$57.50
pH	S.M. 4500 B.	\$28.75
FREE / TOTAL RESIDUAL CHLORINE	S.M. 4500 - cl - G	\$28.75
TEMPERATURE	S.M. 2550 B.	\$28.75
DISSOLVED OXYGEN	S.M. 43500-0 G & C.	\$28.75
TOTAL DISSOLVED SOLIDS	S.M. 2540 C.	\$57.50

MICROBIOLOGY:

FECAL COLIFORM	S.M. 9222 D.	\$34.50
TOTAL COLIFORM	S.M. 9223 B.	\$34.50

NOTE: DISCOUNT AVAILABLE FOR PACKAGE ANALYSES - CONSULT WITH LAB DIRECTOR FOR PRICE QUOTE.

FEE'S APPROVED AT FEBRUARY 26, 2014 - REORANIZATION MEETING OF THE WVRS

FILE NAME: ANALYSIS FEE SCHEDULE 2

WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY
TITLE 59 RESOLUTION
EMPLOYEE INDEMNIFICATION

WHEREAS, the WVRSA is empowered by the New Jersey tort Claims Act, N.J.S.A. 59:1-1 et-sea... to indemnify and provide for the defense of its board member, officers, and employees against liability for injuries caused by acts and omissions while acting within the scope of employment by the WVRSA; and

WHEREAS, the WVRSA has determined that it is in the best interests of the WVRSA and its employees to indemnify and provide for the defense of its board member, officers, and employees against liability for injuries caused by acts and omissions while acting within the scope of employment by the WVRSA; and

NOW THEREFORE BI IT RESOLVED that, subject to the conditions set forth herein, the WVRSA shall indemnify and provide for the defense of its board member, officers, and employees against liability for injuries caused by acts and omissions while acting within the scope of employment by the WVRSA; and

FURTHER RESOLVED that a board member, officer, or employee must notify the WVRSA immediately as to any action threatened against said board member, officer, of employee and fully cooperate in the defense of any such action; and

FURTHER RESOLVED that the WVRSA retains the option to (1) defend a board member, officer, or employee; (2) provide a board member, officer, or employee with a means of defense; or (3) reimburse a board member, officer, or employee if the defense is successful; and

FURTHER RESOLVED that the WVRSA shall not indemnify its board members, officers or employees for acts or omissions found by the trier of fact in any proceeding, civil or criminal, to constitute actual fraud, actual malice, willful misconduct, an intentional wrong, criminal offense, or crime; and

FURTHER RESOLVED that the WVRSA shall not indemnify its board members, officers or employees for acts or omissions that, in the opinion of the WVRSA, were outside the scope of employment by the WVRSA; and

FURTHER RESOLVED that the WVRSA shall indemnify its board members, officers and employees for exemplary or punitive damages resulting from the violation of State or federal law if, in the opinion of the WVRSA, the acts or omissions upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct, or an intentional wrong; and