

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, SEPTEMBER 25, 2019

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, September 25, 2019 at 9:10 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo and James L. Cassella were recorded present. Also present were Timothy J. Eustace, Executive Director, Todd R. Caliguire, Deputy Executive Director, Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Edmund Caulfield, Senior Counsel of the Governor's Authorities Unit. Commissioners Donald C. Kuser and Robert C. Garofalo were absent.

Chairman Burrell asked everyone to stand and recite the Pledge of Allegiance.

Pursuant to the requirements of N.J.S.A. 10:4-6, et seq., Commission Secretary Kim Diamond acknowledged compliance with the statute. Commission Secretary Diamond advised that the provisions of the Open Public Meetings Act have been complied with as to the posting of notice in a public place reserved for such announcement and transmittal to the mass media for publication.

Commission Secretary Kim Diamond read the following resolution:

***WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and*

***WHEREAS**, the public body is of the opinion that such circumstances recently exist.*

***NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the North Jersey District Water Supply Commission of the State of New Jersey as follows:*

- 1. The public shall be excluded from discussions of the hereinafter-specified subject matters; the general natures of the subject matters to be discussed are Personnel, Pending Litigation and Contracts;*
- 2. It is anticipated at this time that the above stated subject matters will be ratified during the Public Meeting to follow or as soon thereafter as the reason for discussing the matters in the Executive Conference no longer exists.*
- 3. This Resolution shall take effect immediately.*

Commissioner Ashkinaze offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:12 a.m.

Chairman Burrell reconvened the Public Meeting at 9:21 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of August 28, 2019; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of August 28, 2019; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2019 in the amount of \$128,669.36 seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

a. Invoice #1083-27 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$267,010.12

Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.

b. Invoice #346443 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$5,024.56

Maria Alliegro, Director of Engineering and James Stachura, Sr. Project Engineer approved invoice 3(b) for payment.

c. Invoice #4647 from Beneficial Soil Solutions, Inc. for Contract #1089B – RTF Residual Removal in the amount of \$37,401.00

Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals Treatment Plant approved invoice 3(c) for payment.

d. Invoice #2023-01 from Air Systems Maintenance, Inc. for Contract #2023 – Old Administration Boiler Upgrade in the amount of \$28,959.00

Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(d) for payment.

e. Invoice #20190731-62975-A from Wilmington Trust – Trustee Fees for Wanaque South Project in the amount of \$9,500.00

William Schaffner, Chief Financial Officer approved invoice 3(e) for payment.

f. Invoice #111-184339 from BNY Mellon – Trustee Fees – 2015 Wanaque North Revenue Refunding Bonds in the amount of \$3,500.00

William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.

g. Invoice #E6X93300005 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$68,558.96

Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(g) for payment.

h. Various Invoices from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$16,357.33

Maria Alliegro, Director of Engineering, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(h) for payment.

Commissioner Ashkinaze offered a motion to approve invoices 3(a) through 3(h); seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE ONLINE SALE OF SURPLUS VEHICLES
AND EQUIPMENT**

WHEREAS, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, pursuant to the broad power conferred in N.J.S.A. 58:5-7, the Commission is empowered to dispose of all such property as may no longer be necessary for the uses and purposes for which the Commission was created; and

WHEREAS, the staff of the Commission has identified certain vehicles and equipment (Exhibit “A” attached) that are no longer necessary for the provision of potable water supplies to its member municipalities in accordance with its statutory responsibilities; and

WHEREAS, the Commission desires to dispose of such surplus vehicles and equipment pursuant to a publicly advertised process in order to obtain the fair market value for such vehicles and equipment for the benefit of its member municipalities; and

WHEREAS, the sale and disposition of such surplus vehicles and equipment is necessary for the Commission's efficient operations and the protection of its water supply facilities; and

WHEREAS, the Commission had previously authorized the sale of surplus vehicles and equipment through GovDeals, a state contract online government surplus auction website; and

WHEREAS, the Commission desires to sell the surplus vehicles and equipment identified on Exhibit A through GovDeals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves and authorizes the sale and disposition of surplus vehicles and equipment identified on Exhibit A attached hereto through GovDeals as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with its terms and conditions.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Executive Director and made available for public inspection.

Commissioner Cassella offered a motion to adopt the resolution authorizing the online sale of surplus vehicles and equipment; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Resolution – Authorizing Change Order No. 1 to Contract #2019 with USIC, LLC

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT
#2019 WITH USIC, LLC**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission previously determined there was a need to retain a contractor to identify and mark-out Commission owned utilities (the “Services”); and

WHEREAS, the Commission previously publicly advertised and solicited bids for the Services, and on August 9, 2017 received two (2) bids in response to the solicitation; and

WHEREAS, on August 23, 2017, the Commission adopted a resolution awarding USIC, LLC (“USIC”) a contract for the provision of the Services for a not-to-exceed sum of \$80,000.00 for a three-year contract term (“Contract #2019”); and

WHEREAS, due to the increase in construction activities within close proximity to Commission pipeline(s) that need utility mark-out services as per state regulatory requirements, it is predicted that the not-to-exceed contract amount will be exceeded; and

WHEREAS, the Commission has further evaluated its needs based on review of the past twenty (20) invoiced months, and determined that a change order to increase the authorized amount of the contract by \$80,000.00 is necessary for the remainder of the initial three-year contract term (“Change Order No. 1”); and

WHEREAS, Change Order No. 1 would amend Contract #2019 to the extent that the total contract sum would be increased to a not-to-exceed sum of \$160,000.00, with all other terms and conditions of Contract #2019 remaining the same; and

WHEREAS, the award of this Change Order No. 1 to Contract #2019 is necessary for the efficient operation and security of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 1 to Contract #2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2019 with USIC, is hereby approved, bringing the total authorized contract amount to a not-to-exceed sum of \$160,000.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to modify Contract #2019 with Change Order No. 1, in accordance with this resolution, with all other terms and conditions of Contract #2019 to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2019, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Executive Director and made available for public inspection.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing Change Order No. 1 to Contract #2019 with USIC, LLC; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Resolution – Authorizing a State Contract Award to Petro-Mechanics Inc. for the Closure and Removal of Underground Tanks at the Balancing Reservoir

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A STATE CONTRACT AWARD TO PETRO-
MECHANICS INC. FOR THE CLOSURE AND REMOVAL OF
UNDERGROUND TANKS AT THE BALANCING RESERVOIR**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission owns property known as the Balancing Reservoir (“Balancing Reservoir”), where upon two 500-gallon non-regulated heating oil tanks as well as a 1000-gallon regulated gasoline tank, pump, tank monitor system (collectively, the “Three Underground Tanks”) are located; and

WHEREAS, because the Commission is contemplating the sale of the Balancing Reservoir property, the disposition of the Three Underground Tanks has been evaluated by Commission staff; and

WHEREAS, it was determined that there is currently very limited or no use for the Three Underground Tanks, and thus the closure and removal of the Three Underground Tanks would likely expedite any sale of the Balancing Reservoir (the “Tank Removal Services”); and

WHEREAS, pursuant to N.J.S.A. 58:5-20 and Section 1(H) of the Commission’s Purchasing Policies and Procedures Manual, the Commission may award a contract from the State’s list of approved vendors; and

WHEREAS, the Commission received a proposal from Petro-Mechanics Inc. (“Petro-Mechanics”) in the amount of \$38,865.00 dated August 15, 2019 to perform the Tank Removal Services; and

WHEREAS, Petro-Mechanics is on the list of approved State Contracts, Contract #42265; and

WHEREAS, the award of this contract is necessary for the Commission’s efficient water treatment and delivery operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer of the Commission has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract be awarded to Petro-Mechanics in the amount of \$38,865.00 for the Tank Removal Services in accordance with the Petro-Mechanics Proposal, for a term not to exceed to four (4) months, or upon completion of work, whichever is sooner; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare such a contract with Petro-Mechanics; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Executive Director and made available for public inspection.

Commissioner Cassella offered a motion to adopt the resolution authorizing a state contract award to Petro-Mechanics Inc. for the closure and removal of underground tanks at the Balancing Reservoir; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Burrell and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract for a New Lawn-Mower under a National Cooperative Purchasing Agreement

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR A NEW LAWN-MOWER UNDER A NATIONAL
COOPERATIVE PURCHASING AGREEMENT**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission has determined there is a need to purchase a new mower to cut the lawn at the dams, the outer buildings and Commission grounds areas; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Commission, to make purchases and contract for services through the use of nationally-recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, by resolution adopted on about March 25, 2015, the Commission authorized its Executive Director to join, on behalf of the Commission, any nationally-recognized and accepted cooperative that have been developed utilizing a competitive bidding process by another contracting unit within the State, or within any other state, in accordance with the provisions set forth in N.J.S.A. 52:34-5.2, et seq., and any other applicable law or governmental regulation, including the National Joint Powers Alliance (“NJPA”); and

WHEREAS, as of June 6, 2018, NJPA changed its name to Sourcewell, but has continued to maintain and recognize the NJPA name for its current contracts and membership agreements (the “Cooperative”); and

WHEREAS, the Commission has reviewed the contracts available through the Cooperative and determined that it may use Cooperative Contract #062117-VPI with Venture Products, Inc. (“Ventrac”) to procure a new mower which will satisfy the Commission’s requirements; and

WHEREAS, Ventrac has provided a proposal for a new mower and related equipment in the amount of \$27,181.50 (the “Proposal”); and

WHEREAS, on the basis of the foregoing, the Commission has determined that it is cost-efficient and appropriate to award a contract to Ventrac for the procurement of a new mower in accordance with its Proposal; and

WHEREAS, the award of this contract is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer of the Commission has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract be awarded to Ventrac in accordance with the Commission’s enabling legislation, applicable State law, the Proposal and Cooperative Contract #062117-VPI for the procurement of a new mower for a total cost of \$27,181.50; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract with Ventrac; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

BE IT FURTHER RESOLVED that a copy of this resolution and the contract shall be maintained in the Office of the Executive Director and made available for public inspection.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the award and execution of a contract for a new lawn-mower under a National Cooperative Purchasing Agreement; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Wanaque North Operating Account:

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Vice Chairman Shotmeyer offered a motion to approve the Wanaque North Operating Account in the amount of \$4,291,183.53; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #56955.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Operating Account in the amount of \$1,729,695.96; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Wanaque South Joint Venture Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$694,003.73; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:34 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary