

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, APRIL 22, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, April 22, 2020 at 9:01 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Executive Director, Todd R. Caliguire, Deputy Executive Director, Lloyd Naideck, Chief Operating Officer and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Robert C. Garofalo, Donald C. Kuser and James L. Cassella participated via teleconference. 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 also participated via teleconference.

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 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 Cassella offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:25 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of March 25, 2020; seconded by Commissioner Cassella and approved with

Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative. Commissioner Kuser abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of March 25, 2020; seconded by Commissioner Amedeo and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative. Commissioner Kuser abstained.

Commissioner Garofalo offered a motion to approve the Purchase Requisitions over \$5000 Report for April 2020 in the amount of \$64,965.00; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-34 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$2,153,753.98**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #205-02 from Stone Hill Construction for Contract #2058 – Filter 12 Rehab in the amount of \$157,010.87**
Paul Serillo, Director of Facilities and Paul Kearney, Operations Manager approved invoice 3(b) for payment.
- c. **Invoice #374755 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,322.70**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #0792450 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$14,000.00**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(d) for payment.
- e. **Invoice #0776134 from GZA GeoEnvironmental, Inc. for Contract #2024 – Formal Dam Inspections in the amount of \$8,958.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #43147 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$21,450.00**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(f) for payment.
- g. **Invoice #43164 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$20,612.00**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(g) for payment.
- h. **Invoice #91330-1202 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$14,000.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(h) for payment.
- i. **Invoice #4797 from Beneficial Soil Solutions, Inc. for Contract #1089B RTF Residual Removal in the amount of \$38,291.50**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(i) for payment.

- j. Invoice #21862 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$7,535.00**
David Kirkham, Director of Residuals and Lewis Schneider, Director of Operations/Licensed Operator approved invoice 3(j) for payment.
- k. Invoice #E6X93300012 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$22,380.12**
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(k) for payment.
- l. Invoice E6X94200006 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Admin for RTF in the amount of \$24,670.69**
Maria Alliegro, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(l) for payment.

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

Resolution – Authorizing Change Order No. 1 to Contract #2058 with Stone Hill Contracting Company, Inc. for the Filter 12 Repair Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT
#2058 WITH STONE HILL CONTRACTING COMPANY, INC. FOR THE
FILTER 12 REPAIR PROJECT**

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 qualified vendor to provide construction services associated with the Filter 12 Repair Project (the “Project”);

WHEREAS, the Commission has been empowered pursuant to its enabling legislation — specifically N.J.S.A. 58:5-20 — to solicit proposals in writing and award contracts after public advertisement; and

WHEREAS, the Commission publicly advertised and solicited bids on October 8, 2019, through which process it received three bids on or about November 21, 2019 from various firms; and

WHEREAS, on or about December 18, 2019, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. (“Stone Hill”) a contract for the provision of work associated with the Project for a base bid of \$195,198.00, a quote for repairing damaged tiles at \$995.00 per tile and replacing damaged tiles at \$3,736.00 per tile (“Contract #2058”); and

WHEREAS, during the performance of Contract #2058, the Commission and Stone Hill observed that air may have caused displacement in the gravel layer of the underdrains which could have led to the poor performance and high turbidities of the filter; and

WHEREAS, the Commission and Stone Hill have determined that the installation of a new 2” air release pipe would be necessary to reduce the quantity of air in the underdrains to acceptable levels; and

WHEREAS, at the request of the Commission, Stone Hill submitted Change Order No. 1 to Contract #2058 for the installation of the new 2” air release pipe in the not-to-exceed amount \$4,139.00 (“Change Order No. 1”); and

WHEREAS, Commission staff have examined Stone Hill’s requested Change Order No. 1 to Contract #2058 and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 1 to Contract #2058; and

WHEREAS, the award of this Change Order No. 1 to Contract #2058 is necessary for the efficient operation 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 #2058.

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 #2058 with Stone Hill is hereby approved in the not-to-exceed amount of \$4,139.00, to provide the services described herein; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2058 in the amount of \$4,139.00 in accordance with Stone Hill's proposal, with all other terms and conditions of Contract #2058, as amended, 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 #2058 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 #2058 with Stone Hill Contracting Company, Inc. for the filter 12 repair project; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract for Work Associated with the Filter Building Ventilation Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT FOR WORK ASSOCIATED WITH THE FILTER BUILDING
VENTILATION PROJECT**

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 determined there was a need to retain a qualified vendor to provide construction services associated with the Filter Building Ventilation Project (the "Project");

WHEREAS, the Commission has been empowered pursuant to its enabling legislation — specifically N.J.S.A. 58:5-20 — to solicit proposals in writing and award contracts after public advertisement; and

WHEREAS, the Commission publicly advertised and solicited bids for Contract #2054 and Contract #2054R to undertake the Project on July 31, 2019 and December 5, 2019, respectively; and

WHEREAS, the bids received for Contract #2054 on September 4, 2019 and Contract #2054R on February 26, 2020 substantially exceeded the engineers' cost estimate and/or contained a material defect in the bid, and therefore all bids for both solicitations were rejected; and

WHEREAS, pursuant to N.J.S.A. 58:5-20 and Section 1(G) of the Commission's Purchasing Policies and Procedures Manual, after the issuance of two solicitations to which no acceptable bids are received, the Commission may negotiate with any qualified vendor on the same terms and conditions established in the bid specifications and directly award a contract; and

WHEREAS, no bids were received for the Project that were within the engineers' cost estimate and were free of any material defects upon two solicitations, and therefore negotiations were conducted directly with two vendors which had submitted bids in response to the two solicitations; and

WHEREAS, Commission staff has reviewed and evaluated the bid proposals submitted by each of the vendors as a result of the negotiations, and determined that Stone Hill Contracting Company, Inc. (“Stone Hill”), which submitted a bid proposal of \$915,118.00 for the Project (the “Stone Hill Proposal”), submitted the lowest conforming bid; and

WHEREAS, Commission’s evaluation committee has examined the Stone Hill Proposal and has determined that the services and fees set forth therein are reasonable, necessary and appropriate, and has recommended that the Commission award and execute Contract #2054R with Stone Hill to undertake the Project in accordance with the Commission's enabling legislation and applicable State law; 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 the funds will be available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2054R to undertake the Project be awarded to Stone Hill as the lowest conforming bidder in accordance with the Commission's enabling legislation, applicable State law and the Commission’s Purchasing Policies and Procedures Manual, for an amount not to exceed \$915,118.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract with Stone Hill to undertake the Project, incorporating the Commission’s requirements as set forth in Contract #2054R and any supplements thereto, the Proposal, and any applicable law, rule or regulation; 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.

Commissioner Cassella offered a motion to adopt the resolution authorizing the award and execution of a contract for work associated with the filter building ventilation project; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Approving the Forms of Certain Loan Agreements Required by the New Jersey Infrastructure Bank for the Permanent Financing of Bonds Issued by the Commission

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION APPROVING THE FORMS OF CERTAIN LOAN
AGREEMENTS REQUIRED BY THE NEW JERSEY INFRASTRUCTURE
BANK FOR THE PERMANENT FINANCING OF BONDS ISSUED BY THE
COMMISSION**

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 previously taken all actions necessary and required for the issuance of bonds (the “Bonds”), to, and through, the New Jersey Infrastructure Bank financing program (the “Program”), including the adoption of two supplemental bond resolutions entitled (i) “Seventeenth Supplemental Bond Resolution of the North Jersey District Water Supply Commission, Wanaque North Project Revenue Bonds”, authorizing the issuance of bonds in an amount not to exceed \$7,800,000, and (ii) “Ninth Supplemental Subordinate Bond Resolution of the North Jersey District Water Supply Commission, Wanaque South Project Subordinate Revenue Bonds”, authorizing the issuance of bonds in an amount not to exceed \$25,100,000, each adopted on June 22, 2016 (collectively known as the “Bond Resolutions”); and

WHEREAS, Section 208 of the Bond Resolutions requires that the Commission approve by resolution the respective I-Bank Loan Agreement, Fund Loan Agreement, and Escrow Agreement (collectively, the “Program Agreements”) along with any other agreements which the Commission may enter into from time to time as part of its participation in the Program; and

WHEREAS, it is anticipated that the Commission will execute the Program Agreements at the time of issuance of the Bonds which is anticipated to be May 13, 2020; and

WHEREAS, forms of the Program Agreements are attached hereto for approval by the Commission;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the forms of the Program Agreements are hereby approved, and their execution is hereby authorized as set forth in the Bond Resolutions.

Commissioner Kuser offered a motion to adopt the resolution approving the forms of certain loan agreements required by the New Jersey Infrastructure Bank for the permanent financing of bonds issued by the Commission; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser 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, Commissioner Kuser offered a motion to approve the Wanaque North Operating Account in the amount of \$7,815,760.09; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #58579.

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 \$2,113,608.01; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser 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 Kuser offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$819,314.57; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:32 a.m.; seconded by Commissioner Amedeo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary