

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, APRIL 28, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, April 28, 2021 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Lloyd L. Naideck, Deputy Executive Director, and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, 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. Commissioner Robert C. Garofalo was 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 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 Kuser 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, Kuser, and Cassella voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:24 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of March 24, 2021; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Commissioner Garofalo abstained.

Commissioner Kuser offered a motion to approve the Public Work Session Minutes of March 24, 2021; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Commissioner Garofalo abstained.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for April 2021 in the amount of \$136,999.49; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-46 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$144,605.11**
Paul Serillo, Director of Facilities and Les Malytsky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #429232 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,114.36**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #46026 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$16,500.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(c) for payment.
- d. **Invoice #46443 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$11,704.90**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Invoice #12 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$175.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(e) for payment.
- f. **Invoice #62492 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$6,081.25**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$73,980.00**
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(g) for payment.
- h. **Various Invoices from Systems Electronic, Inc. for Contract #2028 – Fire Alarm Upgrade in the amount of \$20,550.00**
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(h) for payment.
- i. **Various Invoices from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$14,850.00**
Maria Alliegro, Director of Engineering and Les Malytsky, Engineering Project Manager approved invoice 3(i) for payment.
- j. **Invoice E6X94200017 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$17,741.09**

PUBLIC COMMISSION MEETING

APRIL 28, 2021

Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(j) for payment.

- k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$25,663.22**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(k) for payment.

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

Resolution – Authorizing Emergency Work with Stone Hill Contracting Associated with Media Removal and Repairs to Filter 1

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EMERGENCY WORK WITH STONE HILL
CONTRACTING ASSOCIATED WITH MEDIA REMOVAL AND REPAIRS AT
FILTER 1**

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, on March 24, 2021, due to a major failure at Filter 1, the Board of Commissioners approved emergency Resolution #1983 to Stone Hill Contracting Co. Inc. (SHC) for the removal of all gravel, sand and anthracite, as well as the cleaning of underdrain surface for inspection of the filter’s North Bay as “Part 1” of the repair for an amount not-to-exceed \$80,389.00; and

WHEREAS, the work has been completed under budget and SHC has submitted their invoice in the amount of \$42,403.79; and

WHEREAS, in addition, Water Service Professionals (“WSP”), a well-recognized filter expert, was contracted to perform a third-party inspection of the underdrain blocks to determine its overall condition and extent of the damage; and

WHEREAS, WSP’s report, attached hereto, found that the underdrain block damage was much more extensive than what could have been visually seen in the immediate area of the failure; and

WHEREAS, WSP’s report recommends that the Commission replace a total of 74 blocks and order sufficient spare blocks to compensate for possible quality issues of the new blocks and a potentially high rejection rate; and

WHEREAS, pursuant to Engineering Memo ENG #21-06, dated February 22, 2021, it was previously recommended to the Board of Commissioners that once the third-party inspection was complete, SHC should make the repairs and install the gravel and media so that the filter can be returned to service; and

WHEREAS, SHC obtained a quote from a supplier for the blocks and associated costs for the repair, and has submitted a proposal for an amount not-to-exceed \$349,319.00, attached hereto (the “Proposal”); and

WHEREAS, Commission staff desires to allocate a contingency amount to the Proposal, if necessary, should the cleaning/removal of the media take more time than anticipated, bringing “Part 2” of the repairs to an amount not-to-exceed \$375,000.00 (the “Emergency Services”); and

WHEREAS, pursuant to its enabling legislation, N.J.S.A., 58:5-20, the Commission is entitled to undertake work by its own employees or outside contractors when the safety or protection of its or other public property or the public convenience requires, or the exigency of the situation will not allow for advertisement or public bidding to address any emergency conditions; and

WHEREAS, pursuant to Section I, Subsection I of its Purchasing Policies and Procedures Manual, the Commission may make purchases of materials and services without the necessity of public bidding when

PUBLIC COMMISSION MEETING

APRIL 28, 2021

it is determined by the Commission’s Executive Director and Chief Financial Officer (“CFO”) that an emergency exists; and

WHEREAS, based upon the recommendation of the Commission’s engineering staff, the Commission’s Executive Director and CFO have determined that the aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

WHEREAS, the Commission finds that SHC has prior experience with the Commission’s filters, is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, and that its rates and Proposal are reasonable under the circumstances; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for the Emergency Services; and

WHEREAS, the Commission desires to authorize SHC to perform the Emergency Services in accordance with its Proposal, and the contingency, should it become necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, in accordance with the provisions of N.J.S.A. 58:5-20 and Section I, Subsection I of its Purchasing Policies and Procedures Manual, that the aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby ratifies the actions of the Executive Director and CFO of the Commission in determining that an emergency exists.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes and ratifies the retention of SHC to undertake the Emergency Services in an emergent fashion, without public bidding, in accordance with its Proposal, in an amount not to exceed \$375,000.00, which includes a contingency for cost overruns, if necessary.

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 emergency work with Stone Hill Contracting associated with media removal and repairs at filter 1; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with GZA GeoEnvironmental Inc. for Consulting Engineering Services for Pompton Lake Dam Spillway Apron Investigation

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 WITH GZA GEOENVIRONMENTAL, INC. FOR CONSULTING ENGINEERING SERVICES FOR POMPTON LAKE DAM SPILLWAY APRON INVESTIGATION

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 entered into an agreement (the “Services Agreement”) with the New Jersey Department of Environmental Protection (the “NJDEP”) ~~JDEP Bureau of Dam Safety~~ to perform certain maintenance and observation activities with regard to certain equipment and structures located at the Pompton Lake Dam, including but not limited to, the Tainter Gate structure; and

WHEREAS, pursuant to the Services Agreement, the Commission may undertake the procurement of consultants and contractors to perform maintenance on the Tainter Gate structure; and

WHEREAS, the NJDEP has determined that it is necessary to retain the services of a ~~contractor~~ consultant with expertise in Consulting Engineering Services for the Pompton Lake Dam Spillway Apron Investigation (the “Consulting Engineering Services”); and

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WHEREAS, pursuant to the Services Agreement, the Commission is empowered to appoint and employ professionals, technical advisors and experts as the ~~Commission and the NJDEP and Army Corps of Engineers~~ may determine to be necessary for the its efficient operation and maintenance of the Tainter Gates at Pompton Lake Dams; and

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, on or about March 2, 2021, the Commission in furtherance of the aforementioned, publicly advertised a Request for Proposals ~~and Qualification Statement~~ for work associated with the Consulting Engineering Services in accordance with the requirements and specifications set forth therein (“RFP #003-2021”), and subsequently received four proposals from interested firms on or about April 8, 2021; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the four proposals, as did the NJDEP - Bureau of Dam Safety; and

WHEREAS, after review of the proposals, it was determined that the proposal (the “Proposal”) from GZA GeoEnvironmental, Inc. (“GZA”) for the provision of the Consulting Engineering Services, was ~~the most~~ qualified, considering GZA’s experience and pricing, for an amount not to exceed \$~~4946~~,000.00; and

WHEREAS, the Commission pursuant to the Services Agreement, desires to retain the services of GZA to perform the Consulting Engineering Services in accordance with the Commission’s requirements as set forth in RFP #003-2021, the Proposal, and any applicable laws, rules or regulations; 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 the Contract for Consulting Engineering Services for Pompton Lake Dam Spillway Apron Investigation be awarded to GZA as ~~most~~ qualified, responsive, and responsible, for an amount not to exceed \$~~4946~~,000.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Consulting Engineering Services, incorporating the Commission’s requirements as set forth in RFP #003-2021, 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 with GZA GeoEnvironmental Inc. for consulting engineering services for Pompton Lake dam spillways apron investigation; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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 Ashkinaze offered a motion to approve the Wanaque North Operating Account in the amount of \$11,469,389.05; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman

PUBLIC COMMISSION MEETING

APRIL 28, 2021

Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained on check #60784.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$5,001,326.73; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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, Vice Chairman Shotmeyer offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$502,116.64; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:31 a.m.; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary