

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JUNE 23, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, June 23, 2021 at 9:00 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, James L. Cassella and Robert C. Garofalo participated via teleconference. Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Janice Venables, Associate Counsel of the Governor's Authority 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.*

Vice Chairman Shotmeyer offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:03 a.m.

Chairman Burrell reconvened the Public Meeting at 9:35 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of May 26, 2021; seconded by Commissioner Cassella and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of May 26, 2021; seconded by Commissioner Ashkinaze and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

Commissioner Kuser offered a motion to approve the Purchase Requisitions over \$5000 Report for June 2021 in the amount of \$64,967.00; 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 #1083-48 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$200,917.12**
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #442319 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,787.34**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #46907 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$62,700.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(c) for payment.
- d. **Invoice #47297 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$29,737.41**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Invoice #14 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$350.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(e) for payment.
- f. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$14,962.50**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.
- g. **Invoice #22850 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$2,055.00**
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(g) for payment.
- h. **Invoice #SMA-M0421-23747 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$861.69**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(h) for payment.
- i. **Various Invoices from Wilmington Trust – NJIB Trustee Fees for Wanaque South Project 2020-2 Series in the amount of \$6,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(i) for payment.
- j. **Various Invoices from BNY Mellon – NJ Infrastructure 2020 Revenue Bonds Trustee Fees in the amount of \$5,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(j) for payment.

- k. Invoice #2 from CMS Construction for Contract #2064 – Bridge Repair at Stonetown & Fairfield Roads in the amount of \$7,000.00**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(k) for payment.
- l. Invoice E6X94200019 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$26,413.71**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Invoice #E6X95699016 from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$1,207.50**
Maria Alliegro, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.

Vice Chairman Shotmeyer offered a motion to approve invoices 3(a) through 3(m); 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 – Approving the Reallocation of Capital Budget Appropriations

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT
WATER SUPPLY COMMISSION APPROVING THE
REALLOCATION OF CAPITAL BUDGET APPROPRIATIONS**

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 recently examined its Capital Budget Appropriations in order to address immediate funding concerns, and determined that there are capital projects with excess funds, and capital projects which are currently underfunded; and

WHEREAS, the Commission has determined that it is necessary to reallocate funds in the Capital Budget Appropriations in order to address the immediate funding concerns; and

WHEREAS, the Commission’s staff has prepared a Capital Budget Reallocation List which would transfer the balances from capital projects with excess funds to capital projects that are currently underfunded, and the Commission desires to approve said Capital Budget Reallocation List.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Capital Budget Reallocation List prepared by and on behalf of the Commission, a copy of which is attached hereto as Exhibit A, is hereby approved; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to implement the transfer of funds as indicated on the Capital Budget Reallocation List; 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 Kuser offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing Amendment No. 3 with Contract #1096 with Stone Hill Contracting Company, Inc. for the Clarifier System Rehabilitation in Basins 5 and 6

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 3 TO CONTRACT #1096
WITH STONE HILL CONTRACTING COMPANY, INC. FOR THE CLARIFIER
SYSTEM REHABILITATION IN BASINS 5 AND 6**

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 team of qualified environmental firms to provide the design and construction for the Clarifier System Rehabilitation for Basins 5 and 6 (the “Design/Build Services”); and

WHEREAS, this project is funded through the New Jersey Infrastructure Bank, formerly NJEIT (“NJIB”); and

WHEREAS, the Commission publicly advertised a request for qualifications and proposals for the Design/Build Services, and received proposals from interested parties; and

WHEREAS, on or about May 25, 2016, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. (“Stone Hill”) a contract for the provision of the Design/Build Services (“Contract #1096”); and

WHEREAS, the original contract amount for the Design/Build Services was an amount not to exceed \$8,233,356.00, but in June 2018, the Commission authorized Amendment No. 1, Concrete Repair, in the amount of \$673,741.40, increasing the total contract amount to \$8,907,097.40; and

WHEREAS, as part of the equipment selection process during the design phase, an overall credit of \$72,937.00 became due to the Commission; and

WHEREAS, in July 2018, due to field conditions, additional investigations and analyses were performed by the design engineer via a “datum study”, the cost of which was \$114,851.87; and

WHEREAS, the aforementioned changes result in a net increase to Contract #1096 in the amount of \$41,914.87, bringing the total contract amount to \$8,949,012.27; and

WHEREAS, on May 22, 2019, the Commission authorized Amendment No. 2 to Contract #1069 in a not-to-exceed amount of \$41,914.87; and

WHEREAS, as part of Amendment No. 1 to Contract #1096, the top surface of the large areas at the north and south ends of the basins and slab over the control room were to be resurfaced; and

WHEREAS, upon completion of the basin rehabilitation, and after two unsuccessful applications of the new surfacing material, tests were performed on two alternative products to identify which would successfully adhere to the concrete surface, taking into consideration the condition of the top layer; and

WHEREAS, after a nine-month test, the Commission and Stone Hill have determined that a product manufactured by Euclid Chemical will adhere to the concrete surface and withstand the extreme seasonal temperature changes; and

WHEREAS, on June 3, 2021, Stone Hill submitted a proposal (the “Proposal”) for Amendment No. 3 (“Amendment No. 3”) in the not-to-exceed lump sum amount of \$324,055.00 to perform the preparation and application of the Euclid product; and

WHEREAS, Commission staff have examined the Stone Hill Proposal and Amendment No. 3 to Contract #1096 and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 3 to Contract #1096; and

WHEREAS, the award of this Amendment No. 3 to Contract #1096 is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission will certify that the funds are available for this Amendment No. 3 to Contract #1096; and

WHEREAS, since the rehabilitation of the Clarifier Systems in Basins 5 and 6 has been complete and operational to the satisfaction of the Commission for over one year, the Commission also agrees within this Amendment No. 3 to release all retainage remaining on the project upon completion and acceptance by the Commission of the work required under this Amendment No. 3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 3 to Contract #1096 with Stone Hill is hereby approved in the not-to-exceed lump sum amount of \$324,055.00.

BE IT FURTHER RESOLVED, that the Commission also agrees within this Amendment No. 3 to release all retainage remaining on the project upon completion and acceptance by the Commission of the work required under this Amendment No. 3; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 3 to Contract #1096 in the amount of \$324,055.00 in accordance with the Stone Hill Proposal, and to release the retainage after completion and acceptance of all work, as set forth in this resolution, with all other terms and conditions of Contract #1096, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Amendment No. 3 to Contract #1096 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.

Commissioner Cassella offered a motion to adopt the resolution authorizing Amendment No. 3 with Contract #1096 with Stone Hill Contracting Company, Inc. for the clarifier system rehabilitation in basins 5 and 6; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing and Ratifying Emergency Work Associated with a Leak at the CVS Parking Lot Located at 217 Harrison Street in Nutley

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AND RATIFYING EMERGENCY WORK
ASSOCIATED WITH A LEAK AT THE CVS PARKING LOT LOCATED AT 217
HARRISON STREET IN NUTLEY**

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 May 20, 2021 the Commission identified a leak in the CVS parking lot located at 217 Harrison St. in Nutley, New Jersey; and

WHEREAS, due to other potable water utilities in close proximity, sampling was done by the Commissioner’s operations crew for pH, orthophosphate and conductivity; and

WHEREAS, the sample results and the location of the leak indicated that the leak was indeed emanating from the WNA; and

WHEREAS, the leak was emanating from the asphalt adjacent to a drainage manhole on the single line stretch of the Wanaque North Aqueduct (“WNA”), a location regularly used by the public, in a high traffic area of a parking lot that is serving two adjacent businesses; and therefore requiring immediate and emergency repairs; and

WHEREAS, taking this into account, a decision was made to call in J. Fletcher Creamer and Son, Inc. (“Creamer”) to do an emergency repair that same day; and

WHEREAS, Creamer arrived on-site, called in an emergency mark out, excavated and repaired the leak, and restored the site by the next morning (the “Emergency Services”); and

WHEREAS, Creamer, a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, has provided an invoice in the amount of \$27,962.66, attached hereto; 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 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 all 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 Creamer's rates and proposal are reasonable under the circumstances; and

WHEREAS, the CFO of the Commission has certified that the funds are available for the Emergency Services; and

WHEREAS, the Commission desires to authorize and ratify the award of the services to Creamer to perform the Emergency Services in accordance with its invoice.

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 constituted 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 existed.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes and ratifies the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$27,962.66, in accordance with its invoice.

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 Ashkinaze offered a motion to adopt the resolution authorizing and ratifying emergency work associated with a leak at the CVS parking lot at 217 Harrison Street in Nutley; 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 the Award and Execution of a Contract with J. Fletcher Creamer and Son, Inc. for Work Associated with the Wanaque North Aqueduct Rehabilitation and Improvement Services

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 J. FLETCHER CREAMER & SON, INC. FOR WORK
ASSOCIATED WITH THE WANAQUE NORTH AQUEDUCT
REHABILITATION AND IMPROVEMENTS SERVICES**

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 that it is necessary to retain the services of a qualified firm to provide the Wanaque North Aqueduct Rehabilitation and Improvements Services (the "WNA Rehabilitation and Improvements Services"); and

WHEREAS, the Commission is empowered by law to appoint and employ professionals, technical advisors and experts as the Commission may determine to be necessary for its efficient operation; 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 May 6, 2021, the Commission publicly advertised a Request for Proposals and qualification statements for work associated with WNA Rehabilitation and Improvements Services in accordance with the requirements and specifications set forth therein (“RFP #004-2021”), and subsequently received five proposals from interested firms on or about June 3, 2021; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the proposals based upon predetermined criteria set forth in RFP #004-2021, and determined that for the provision of the WNA Rehabilitation and Improvements Services, J. Fletcher Creamer & Son, Inc. (“Creamer”) was the most qualified proposer, considering its experience and pricing, as presented in its proposal (the “Proposal”), for the not-to-exceed amount of \$893,550.00, which includes the total amount proposed for Tasks 1, 2A, 2B and 2C, plus a \$525,000.00 allowance for Optional Task 3 and Optional Task 4; and

WHEREAS, the Commission desires to retain the services of Creamer to perform the WNA Rehabilitation and Improvements Services in accordance with the Commission's requirements as set forth in RFP #004-2021, the Proposal, and any applicable laws, rules or regulations, and recommends that Creamer be awarded a contract 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 a contract for WNA Rehabilitation and Improvements Services be awarded to Creamer as the most qualified, responsive, and responsible proposal, utilizing the pricing as set forth herein, for the not-to-exceed amount of \$893,550.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the WNA Rehabilitation and Improvements Services, incorporating the Commission's requirements as set forth in RFP #004-2021, 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the award and execution of a contract with J. Fletcher Creamer and Son, Inc. for work associated with the Wanaque North aqueduct rehabilitation and improvement services; 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 Amendment No. 1 with Contract #2051 with Jacobs Engineering, Inc. for the Design of the Clarifier System Rehabilitation in Basins 1-4

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT #2051
WITH JACOBS ENGINEERING, INC. FOR THE DESIGN OF THE CLARIFIER
SYSTEM REHABILITATION IN BASINS 1-4**

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 had previously determined that there was a need to retain a professional engineering firm to provide services related to the rehabilitation of the clarifier systems in Settling Basins 1-4 including, but not limited to, full design drawings, specifications and construction administration services related thereto (the “Engineering Services”); and

WHEREAS, the Commission is empowered by law to appoint and employ professionals, technical advisors and experts as the Commission may determine may be necessary for its efficient operation; and

WHEREAS, on or about April 2, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for the Design of the Clarifier System Rehabilitation in Basins 1-4 (“RFP #003-2019”), and subsequently received proposals from interested firms on or about May 23, 2019; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the proposals and determined that Jacobs submitted the most responsible and qualified proposal dated May 23, 2019 for the performance of the Engineering Services based upon predetermined criteria set forth in RFP #003-2019 (the “Proposal”), and recommended that Jacobs be awarded a contract in accordance with the Commission’s enabling legislation and applicable state law as the most responsible and qualified proposer, considering its experience and pricing proposal; and

WHEREAS, Jacobs proposed to provide the Engineering Services in the not-to-exceed amount of \$616,900.00, which is inclusive of an allowance in the amount of \$42,000.00 for additional modeling that was required for design; and

WHEREAS, by Resolution No. 1864 dated June 26, 2019, in accordance with RFP #003-2019 and Jacobs’ Proposal, the Commission authorized the award of a contract in the amount of \$616,900.00; and

WHEREAS, in the process of the design, it was determined that “stop logs” would be required in the Basin Influent, Basin Effluent and Filter Influent Channels in order to replace the Basin Effluent Valves, and additional repair work that may be necessary within the Filter Influent Conduit (the “Additional Design Work”); and

WHEREAS, the Additional Design Work is outside the original scope of the contract, therefore an amendment is necessary; and

WHEREAS, on June 7, 2021, Jacobs submitted a proposal (the “Proposal”) for the Additional Design Work in the not-to-exceed in the amount of \$36,000.00 (“Amendment No. 1”); and

WHEREAS, Commission staff have examined Amendment No. 1 to Contract #2051 and have determined that the terms set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 1 to Contract #2051; and

WHEREAS, the award of this Amendment No. 1 to Contract #2051 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 Amendment No. 1 to Contract #2051.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 1 to Contract #2051 with Jacobs Engineering, Inc. adding \$36,000.00 to Contract #2051 is hereby approved, amending the total authorized contract to a not-to-exceed amount of \$652,900.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 1 to Contract #2051, with all other terms and conditions of Contract #2051, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that the Executive Director of the Commission is hereby authorized to execute Amendment No. 1 to Contract #2051, and the Secretary of the Commission is authorized to attest to the signature of the Executive Director; 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 Amendment No. 1 with Contract #2051 with Jacobs Engineering, Inc. for the design of the clarifier system rehabilitation in basins 1-4; seconded by Commissioner Garofalo and unanimously

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

Resolution – Authorizing Execution of a Contract for Sale of Real Estate with Sharon L. Herzog and the Land Conservancy of New Jersey for the Acquisition of Block 100, Lot 6 in the Borough of Ringwood

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
SALE OF REAL ESTATE WITH SHARON L. HERZOG AND THE LAND
CONSERVANCY OF NEW JERSEY FOR THE ACQUISITION OF BLOCK 100,
LOT 6 IN THE BOROUGH OF RINGWOOD**

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 Land Conservancy of New Jersey (the "Conservancy") is a nonprofit corporation of the State of New Jersey; and

WHEREAS, the Sharon L. Herzog (the "Owner") is the owner of a tract of land identified on the Tax Map of the Borough of Ringwood as Block 100, Lot 6 which comprises a total of 2.56 acres; and

WHEREAS, the Commission and Conservancy, pursuant to Resolution No. 1965, adopted December 16, 2020, entered into a Partnership and Conservation Agreement (the "Partnership Agreement"), in order to begin the due diligence and eventual acquisition of the Property;

WHEREAS, on or about August 12, 2020, the Owner submitted an NJDEP Freshwater Wetlands ("FWW") Individual Permit ("IP") application to build one residential house on the Property pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-9); and

WHEREAS, pursuant to the Freshwater Wetlands Protection Act Rules, a property owner is first required to offer the property for sale to public and/or private conservation organizations and adjacent property owners at fair market value, as determined by a fair market value analysis; and

WHEREAS, the Commission and the Conservancy acknowledge that the conservation of the Property is necessary and desirable given that more than 2.56 acres of the property lies adjacent to land held by the Commission as part of the Wanaque Reservoir; and

WHEREAS, the Commission and Conservancy acknowledge that the acquisition and conservation of the Property will conserve the woodlands, and provide an undeveloped buffer for the reservoir in protection of water quality and;

WHEREAS, the Commission has agreed to become the final owner of the Property and will be responsible for the management and maintenance of same, and has agreed to retain the Property in its natural state; and

WHEREAS, the Commission, the Conservancy and the Owner (collectively, the "Parties") have agreed to a purchase price for the Property in the amount of \$30,000.00 (the "Purchase Price"), as set forth in the Contract for Sale of Real Estate between the Parties, a copy of which is attached hereto as Exhibit A (the "Contract");

WHEREAS, the Commission agreed to contribute 50% of the Purchase Price and due diligence costs required to acquire the property, which includes the cost of an appraisal, title search and commitment, preliminary assessment report and a survey ("Due Diligence Costs"), as further set forth in the Partnership Agreement; and

WHEREAS, the Due Diligence Costs shall not exceed \$15,000; and

WHEREAS, the Conservancy agrees to contribute 50% of the Purchase Price and Due Diligence Costs through funding made available through the New Jersey Green Acres Program, as further set forth in the Partnership Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall enter into the Contract with the Conservancy and the Owner for the acquisition of the Property; and

BE IT FUTHER RESOLVED, that the Purchase Price shall not exceed that set forth herein; and

BE IT FURTHER RESOLVED, that the Board of Commissioners approve and authorize execution of the Contract, in a form substantially similar to that which is attached hereto as Exhibit A, and further approve the form Of Deed, in a form substantially similar to that which is attached hereto as Exhibit B; and

BE IT FUTHER RESOLVED, that the Chairman or Vice Chairman of the Commission are hereby authorized to execute the Contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman at such time as the terms of the Contract are finalized, as confirmed by the Commission's General Counsel; 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 Ashkinaze offered a motion to adopt the resolution authorizing execution of a contract for sale of real estate with Sharon L. Herzog and the Land Conservancy of New Jersey for the acquisition of Block 100, Lot 6 in the Borough of Ringwood; 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 the Award and Execution of Contract #2080 with Michael J. Malpere Co., Inc. for Work Associated with Lower Gate House Stone Pointing and Waterproofing Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2080 WITH MICHAEL J. MALPERE CO., INC. FOR WORK
ASSOCIATED WITH LOWER GATE HOUSE STONE POINTING AND
WATERPROOFING SERVICES**

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 that it is necessary to retain the services of a qualified contractor to provide Lower Gate House Stone Pointing and Waterproofing services (the “Services”); 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 May 7, 2021, the Commission publicly advertised the Base Bid plus Option 1 for Contract #2080 (“Contract #2080”) for work associated with the Services in accordance with the requirements and specifications set forth therein, and subsequently received eleven (11) bids from interested firms on or about June 7, 2021; and

WHEREAS, the Commission's evaluation committee discovered that the low bid contained material and non-waivable defects, which resulted in a recommendation to award Michael J. Malpere Co., Inc. ("Malgere") the contract; and

WHEREAS, Malgere's bid to perform the Services for a total not-to-exceed amount of \$49,000.00 (the "Bid") was the lowest conforming bid and included satisfactory qualification requirements for the Services; and

WHEREAS, the Commission desires to retain Malgere to perform the Services in accordance with the Commission's requirements as set forth in Contract #2080, the Bid, 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 Contract #2080 for the work associated with the Services be awarded to Malgere as the lowest conforming bidder in accordance with the Commission's requirements set forth in Contract #2080, the Bid, the Commission's enabling legislation, and applicable State law, for the total not-to-exceed amount of \$49,000.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Services, incorporating the Commission's requirements as set forth in Contract #2080, the Bid, 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 Contract #2080 with Michael J. Malpere Co., Inc. for work associated with Lower Gate House stone pointing and Waterproofing services; seconded by Commissioner Garofalo 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 \$4,319,325.75; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

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 \$1,211,234.44; seconded by Commissioner Garofalo 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 \$387,178.25; 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 9:50 a.m.; 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.

Respectfully submitted,

Kim Diamond
Commission Secretary