

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JULY 28, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, July 28, 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, and James L. Cassella 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. 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 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 Kuser 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 9:03 a.m.

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

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of June 23, 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Commissioner Kuser offered a motion to approve the Public Work Session Minutes of June 23, 2021; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for July 2021 in the amount of \$53,522.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-49 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$75,232.47**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #447960 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,778.98**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #47828 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$33,169.79**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$3,150.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(d) for payment.
- e. **Invoice #SMA-M0521-24309 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$939.78**
Michael Broncatello, Comptroller approved invoice 3(e) for payment.
- f. **Various Invoices from Wilmington Trust – NJDWSC EIT Trustee Fees for Wanaque South Project 2003 Series in the amount of \$3,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.
- g. **Various Invoices from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$25,039.53**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$23,813.45**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Various Invoices from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$74,550.00**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(i) for payment.
- j. **Invoice #3 from C. Dougherty & Co., Inc. for Contract #2076 – Low Lift Pump Station VFD Cooling Project in the amount of \$80,702.50**
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(j) for payment.

- k. Invoice #1210227 from Haskell Paving, Inc. for Contract #2073 – Paving the F.A. Orechio Drive Lower Parking Lot in the amount of \$1,978.73**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(k) for payment.
- l. Invoice E6X94200020 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$4,101.00**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Invoice #E6X95699017 from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$9,710.00**
Maria Alliegro, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.
- n. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$7,831.74**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(n) for payment.

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

Resolution – Authorizing the Award and Execution of a Contract with Landscape Materials Inc. for Work Associated with the Wanaque Water Treatment Plant Residual Trucking & Management 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 LANDSCAPE MATERIALS INC. FOR WORK ASSOCIATED WITH THE WANAQUE WATER TREATMENT PLANT RESIDUAL TRUCKING & MANAGEMENT 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 vendor to provide services associated with the Wanaque Water Treatment Plant (WWTP) Residual Trucking & Management Services (the “WWTP Residual Trucking & Management 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 June 15, 2021, the Commission publicly advertised a Request for Proposals and qualification statements for work associated with WWTP Residual Trucking & Management Services in accordance with the requirements and specifications set forth therein (“RFP #005-2021”), and subsequently received two proposals from interested vendors on or about July 7, 2021; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the proposals based upon predetermined criteria set forth in RFP #005-2021, and determined that Landscape Materials Inc. (“LMP”) was the most qualified proposer, considering its experience and pricing, as presented in its proposal (the “Proposal”) for the provision of the WWTP Residual Trucking & Management Services, for

the not-to-exceed amount of \$38.75 per Cubic Yard (“CY”) for a two-year term with the option of up to two (2) consecutive one (1) year term extensions; and

WHEREAS, the Commission desires to retain the services of LMI to perform the WWTP Residual Trucking & Management Services in accordance with the Commission's requirements as set forth in RFP #005-2021, the Proposal, and any applicable laws, rules or regulations, and recommends that LMI 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 WWTP Residual Trucking & Management Services be awarded to LMI as the most qualified, responsive, and responsible proposal, utilizing the pricing as set forth herein, for the not-to-exceed amount of \$38.75 per CY for a two-year term, with the option to renew for up to two (2) additional consecutive one (1) year terms; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the WWTP Residual Trucking & Management Services, incorporating the Commission’s requirements as set forth in RFP #005-2021, 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 Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract with Landscape Materials Inc. for work associated with the Wanaque water treatment plant residual trucking and management services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract to MP2 Energy NE LLC for the Provision of Electricity

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 TO MP2 ENERGY NE
LLC FOR THE PROVISION OF ELECTRICITY**

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 it was necessary to procure electric energy supply services from a licensed third party supplier (a “TPS”) and on or about May 14, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for the Provision of Electric Generation Service Supply in accordance with requirements and specifications set forth therein (“RFP #005-2019”); and

WHEREAS, the Commission subsequently received one proposal on or about May 20, 2019 from Premier Power Solutions, LLC to provide energy broker services for the procurement and negotiation of electricity from a TPS(s) (“Premier Power”); and

WHEREAS, Premier Power thereafter undertook bid process for the procurement of the Commission’s electric energy supply needs within the JCPL electric utility territory from a licensed TPS (the “Electricity Supply”); and

WHEREAS, on July 24, 2019, via Resolution #1870, the Commission awarded a contract to Constellation NewEnergy for a 24-month fixed all-inclusive electricity rate of \$0.0673 per kilowatt hour; and

WHEREAS, the upcoming expiration of the aforementioned contract required Premier Power to conduct another bid process on behalf of the Commission; and

WHEREAS, the Commission determined that the new term shall be for a 12-month term; and

WHEREAS, the Commission's staff and Premier Power have reviewed and evaluated the low bids for the Electricity Supply and determined that MP2 Energy NE LLC ("MP2") submitted the lowest most qualified, responsible, and responsive proposal for the Electricity Supply, and have recommended that MP2 be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, MP2 will charge the Commission in accordance with the 12-month fixed electricity rate not-to-exceed \$0.08 per kilowatt hour (the "Electricity Rate") and as per the contract attached hereto as Exhibit A; 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 for 12 months for the Electricity Supply be awarded to MP2 as the lowest, most qualified, responsible, and responsive proposer in accordance with the Commission's enabling legislation and applicable State law; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute a contract for the Electricity Supply in substantially the form attached hereto, 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 Kuser offered a motion to adopt the resolution authorizing the award and execution of a contract to MP2 Energy NE LLC for the provision of electricity; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract to MidAmerican Energy Services, LLC for the Provision of Electricity

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 TO MIDAMERICAN
ENERGY SERVICES, LLC FOR THE PROVISION OF ELECTRICITY**

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 it was necessary to procure electric energy supply services from a licensed third party supplier (a "TPS") and on or about May 14, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for the Provision of Electric Generation Service Supply in accordance with requirements and specifications set forth therein ("RFP #005-2019"); and

WHEREAS, the Commission subsequently received one proposal on or about May 20, 2019 from Premier Power Solutions, LLC to provide energy broker services for the procurement and negotiation of electricity from a TPS(s) ("Premier Power"); and

WHEREAS, Premier Power thereafter undertook bid process for the procurement of the Commission's electric energy supply needs within the PSE&G electric utility territory from a licensed TPS (the "Electricity Supply"); and

WHEREAS, on July 24, 2019, via Resolution #1871, the Commission awarded a contract to Direct Energy Business LLC for a 24-month fixed all-inclusive electricity rate of \$0.06706 per kilowatt hour; and

WHEREAS, the upcoming expiration of the aforementioned contract required Premier Power to conduct another bid process on behalf of the Commission; and

WHEREAS, the Commission determined that the new term shall be for a 12-month term; and

WHEREAS, the Commission's staff and Premier Power have reviewed and evaluated the low bids for the Electricity Supply and determined that MidAmerican Energy Services, LLC ("MidAmerican") submitted the lowest most qualified, responsible, and responsive proposal for the Electricity Supply, and have recommended that MidAmerican be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, MidAmerican will charge the Commission in accordance with the 12-month fixed electricity rate not-to-exceed \$0.08 per kilowatt hour (the "Electricity Rate") and as per the contract attached hereto as Exhibit A; 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 for 12 months for the Electricity Supply be awarded to MidAmerican as the lowest, most qualified, responsible, and responsive proposer in accordance with the Commission's enabling legislation and applicable State law; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute a contract for the Electricity Supply in substantially the form attached hereto, 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 to MidAmerican Energy Services, LLC for the provision of electricity; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 \$7,536,501.18; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #61384 and #61422.

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 \$8,013,018.47; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$417,486.21; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary