

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, APRIL 27, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, April 27, 2022 at 9:01 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer and Kim Diamond, Commission Secretary. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser, Robert C. Garofalo and James L. Cassella participated via teleconference. Francine C. McManimon, 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.*

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 Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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.

At this time, Chairman Burrell inquired whether anyone from the public would like to address the Board of Commissioners. Via teleconference, Miguel Figueredo from the Eastern Millwright Regional Council asked about the award of Contract #2087 with Stone Hill Contracting Co., Inc. (Stone Hill). General Counsel advised that the proposal from Stone Hill was compliant with the bid requirements. General Counsel will confirm certification.

**ACTION REQUIRED:**

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of March 23, 2022; 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.

Vice Chairman Shotmeyer offered a motion to approve the Public Work Session Minutes of March 23, 2022; 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.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for April 2022 in the amount of \$77,494.00; 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. **Various Invoices from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$348,801.79**  
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #500144 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,132.75**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #48781 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$26,400.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(c) for payment.
- d. **Invoice #51794 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$7,198.75**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$2,367.06**  
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(e) for payment.
- f. **Invoice #2070-5 from C.J. Vanderbeck & Son, Inc. for Contract #2070 – Filter Building Boiler Replacement in the amount of \$7,410.00**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.
- g. **Invoice #831368 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$2,000.00**  
Maria Alliegro, Director of Engineering and Les Malysky, Engineering Project Manager approved invoice (g) for payment.
- h. **Invoice #23506 from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$21,700.00**  
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(h) for payment.
- i. **Invoice E6X94200029 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$3,096.88**

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

**j. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$9,833.72**

Maria Alliegro, Director of Facilities, Paul Serillo, Director of Engineering, Michael Dox, Plant Electrical Engineer, Les Malytskyy, Engineering Project Manager and Chris Clamser, Project Engineer approved invoice 3(j) for payment.

Commissioner Kuser offered a motion to approve invoices 3(a) through 3(j); 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; 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 #2089 with Aspen Tree Service for Work Associated with Pompton Lakes Dam Debris Removal**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF  
CONTRACT #2089 WITH ASPEN TREE SERVICE FOR WORK ASSOCIATED  
WITH POMPTON LAKES DAM DEBRIS REMOVAL**

**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”) 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 Pompton Lake Dam; and

**WHEREAS**, the NJDEP has determined that debris removal is necessary from the Pompton Lake Dam, and NJDEP requested the Commission retain the services of a qualified contractor to provide for Pompton Lakes Dam Debris Removal (the “Services”); and

**WHEREAS**, pursuant to the Services Agreement, the Commission is empowered to appoint and employ professionals, technical advisors, vendors and experts as the Commission may determine may be necessary for its efficient operations; and

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

**WHEREAS**, the Commission, in furtherance of the aforementioned, publicly advertised a Bid Specification (the “Bid Specification”) for Contract #2089 (“Contract #2089”), for work associated with the Services, all in accordance with the requirements and specifications set forth therein, and thereafter on or about March 29, 2022 subsequently received four (4) bids from interested vendors; and

**WHEREAS**, the Commission’s evaluation committee reviewed and evaluated the bids received, and determined that Aspen Tree Service, Inc. (“Aspen”), who submitted a bid to perform the Services for a total amount of \$12,000.00, with certain per unit/per day costs set forth therein for services in connection with Task 2 during 2022 as set forth in the Bid Specification (the “Bid”), has submitted the lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that Aspen be awarded a contract for the Services in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, the Commission, pursuant to the Services Agreement, desires to retain Aspen to perform the Services in accordance with the Commission's requirements as set forth in Contract #2089, the Bid, and any applicable laws, rules or regulations, wherein, the Commission is under no obligation to undertake Task 2 as set forth in the Bid Specification; and

**WHEREAS**, the award of this Contract #2089 is necessary for 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 #2089 for the work associated with the Services be awarded to Aspen as the lowest conforming bidder in accordance with the Commission’s requirements set forth in Contract #2089, the Bid, the Commission’s enabling legislation, the Services Agreement, and applicable State law, for the total amount of \$12,000.00, with certain per unit/per day costs as set forth in the Aspen Bid in an amount not to exceed \$18,000.00 for Task 2 as described in the Bid Specifications during 2022; and

**BE IT FURTHER RESOLVED** that the aforementioned recitals are incorporated herein as though fully set forth at length; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized and directed to prepare a contract for the Services, incorporating the Commission’s requirements as set forth in Contract #2089, 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 and directed 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 thereon; 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 Contract #2089 with Aspen Tree Service for work associated Pompton Lakes dam debris removal; 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 #2087 with Stone Hill Contracting Co., Inc. for Work Associated with Clarifier Rehabilitation in Basins 1-4**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF  
CONTRACT #2087 WITH STONE HILL CONTRACTING CO., INC. FOR  
WORK ASSOCIATED WITH CLARIFIER REHABILITATION IN BASINS 1-4**

**WHEREAS**, the North Jersey District Water Supply Commission (the “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 services in connection with the rehabilitation of the Commission’s mixing and sedimentation Basins 1 through 4 in accordance with the Bid Specification for Contract #2087 (the “Bid Specification”) issued by the Commission (the “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 December 28, 2021, the Commission publicly advertised the Bid Specification for Contract #2087 (“Contract #2087”) for work associated with the Services in accordance with the requirements and specifications set forth therein, and subsequently received three (3) bids from interested vendors on or about March 3, 2022; and

**WHEREAS**, the Commission’s evaluation committee reviewed and evaluated the bids and determined that Stone Hill Contracting Co., Inc. (“Stone Hill”), who submitted a bid to perform the Services for a total not-to-exceed amount of \$19,493,986.00 (the “Bid”), submitted the lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that Stone Hill be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, the Commission desires to retain Stone Hill to perform the Services in accordance with the Commission's requirements as set forth in the Bid Specifications, Contract #2087, the Bid, and any applicable laws, rules or regulations, and

**WHEREAS**, the award of this Contract #2087 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 #2087 for the work associated with the Services be awarded to Stone Hill as the lowest conforming bidder in accordance with the Commission’s requirements set forth in the Bid Specifications, Contract #2087, the Bid, the Commission’s enabling legislation, and applicable State law, for the total not-to-exceed amount of \$19,493,986.00; 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 the Bid Specifications, Contract #2087, 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 #2087 with Stone Hill Contracting Co., Inc. for work associated with clarifier rehabilitation in basins 1-4; seconded by Commissioner Ashkinaze 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 for Participation in the North Jersey Wastewater Cooperative Purchasing Agreement (Lead Agency – Passaic Valley Sewerage Commission)**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A  
CONTRACT FOR PARTICIPATION IN THE NORTH JERSEY WASTEWATER  
COOPERATIVE PRICING SYSTEM UNDER A COOPERATIVE PURCHASING  
AGREEMENT (LEAD AGENCY – PASSAIC VALLEY SEWERAGE  
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**, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Commission, to make purchases and contract for services through the use of recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

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

**WHEREAS**, the North Jersey Wastewater Cooperative Pricing System (the “Cooperative”), is a nationally-recognized and accepted purchasing cooperative utilized by contracting units in the State of New Jersey, which has as its lead agency the Passaic Valley Sewerage Commission (“PVSC”), and is identified by the New Jersey Department of Community Affairs under Identifier No. 88-NJWWCPS; and

**WHEREAS**, the Cooperative has advertised and awarded contracts for a variety of goods and equipment including: Janitorial Supplies, Various Manufacturer Equipment and Spare Parts, Instrumentation Equipment, Tools and Accessories, Various Manufacturers Pumps and Motor Repair, Replacement, and Installation, Valves and Accessories, Wireless Monitoring and Alarm Systems, Rental of Mobile Crane with Operator, Various Hose Couplings and Fittings, Safety Equipment and Supplies, Various Bulk Chemicals, and Various Filters; and

**WHEREAS**, the Commission has reviewed the contracts available through the Cooperative, and determined that it is desirous of utilizing the same for various services needed by the Commission; and

**WHEREAS**, the Commission has reviewed the supporting documentation for Cooperative Contract #88-NJWWCPS, and confirmed that the same was awarded via a competitive bidding process, including public advertisement and request for proposals; and

**WHEREAS**, on the basis of all of the foregoing, the Commission has determined that it is cost-efficient and appropriate to participate with the Cooperative under Contract #88-NJWWCPS; and

**WHEREAS**, the Commission desires to become a member of the Cooperative, effective immediately, and that such membership shall be for the period ending November 24, 2024, and each

renewal, thereafter of the system, unless the Commission elects to formally withdraw from the system; and

**WHEREAS**, the award of this Contract and participation in the Cooperative 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 entry into the Cooperative as needed to meet the needs of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that in accordance with the Commission's enabling legislation, applicable State law, and Cooperative Contract #88-NJWWCPS, that the Commission hereby approves entry into the Cooperative for the purposes herein and therein specified; and

**BE IT FURTHER RESOLVED** that the aforementioned recitals are incorporated herein as though fully set forth at length; and

**BE IT FURTHER RESOLVED** that a Notice of Award of the Commission's intent to award this Contract and enter into the Cooperative, be published in accordance with applicable law; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized and directed to execute such contracts as may be required to enter into the Cooperative, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman as the case may be; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the PVSC and, together with the contract entering into the Cooperative, 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 for participation in the North Jersey Wastewater Cooperative Pricing System under a Cooperative Purchasing Agreement (lead agency – Passaic Valley Sewerage Commission); 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 the Award and Execution of Contract #2086R with Iron Hills Construction Co. for Work Associated with Pot Perm System Rehabilitation**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF  
CONTRACT #2086R WITH IRON HILLS CONSTRUCTION CO. FOR WORK  
ASSOCIATED WITH POT PERM SYSTEM REHABILITATION**

**WHEREAS**, the North Jersey District Water Supply Commission (the "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 rehabilitate the Commission's Pot Perm system in accordance with the Bid Specification (defined herein) (the "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 February 11, 2022, the Commission publicly advertised a Bid Specification ("Bid Specification") for Contract #2086R ("Contract #2086R") for work associated with the Services in accordance with the requirements and specifications set forth therein, and subsequently received two (2) bids from interested vendors on or about March 31, 2022; and

**WHEREAS**, the Commission's evaluation committee reviewed and evaluated the bids and determined that Iron Hills Construction Co. ("Iron Hills"), who submitted a bid to perform the Services including Options 1, 2, 4, 6, 7, 8, and 9 as set forth in the Bid Specifications for a total not-to-exceed amount of \$953,000.00 (the "Bid"), submitted the lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that Iron Hills be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

**WHEREAS**, the Commission desires to retain Iron Hills to perform the Services in accordance with the Commission's requirements as set forth in Contract #2086R, the Bid, and any applicable laws, rules or regulations, and

**WHEREAS**, the award of this Contract #2086R 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 #2086R for the work associated with the Services be awarded to Iron Hills including Options 1, 2, 4, 6, 7, 8, and 9, as the lowest conforming bidder in accordance with the Commission's requirements set forth in Contract #2086R, the Bid, the Commission's enabling legislation, and applicable State law, for the total not-to-exceed amount of \$953,000.00; 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 #2086R, 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 Garofalo offered a motion to adopt the resolution authorizing the award and execution of Contract #2086R with Iron Hills Construction Co. for work associated with pot perm system rehabilitation; 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 a Sole Source Contract Award to Charter Machine Company for the Replacement of the Commission's Three (3) Sets of the 3-Belt Tower Presses**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT AWARD TO  
CHARTER MACHINE COMPANY FOR THE REPLACEMENT OF THE  
COMMISSION'S THREE (3) SETS OF THE 3-BELT TOWER PRESSES**

**WHEREAS**, the North Jersey District Water Supply Commission (the "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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission's enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined the need to replace three (3) sets of the 3-belt Tower Presses located at the Commission's residuals treatment facility (the "Tower Presses"); and

**WHEREAS**, the Tower Presses have exceeded their useful life of approximately 2000 hours of operation; with Tower Press #3 having approximately 2,500 hours of operation and the other two (2) Tower Presses exceeding 2,000 hours of operation each; and



**WHEREAS**, the Tower Presses are essential parts of the Commission’s operation; and

**WHEREAS**, the required replacements for the Tower Presses include three (3) belts per Tower Press along with any ancillary equipment if supplied (collectively, the “Services”); and

**WHEREAS**, multiple vendors were investigated, but only Charter Machine Company (“CMC”) had the specific parts needed for the Services, which must all be purchased from CMC to ensure maximum functionality and warranty coverage for the Tower Presses; and

**WHEREAS**, the Commission is in receipt of a proposal dated March 31, 2022 from CMC in the total amount of \$23,703.00 for performance of the Services (the “Proposal”), which is attached hereto and incorporated herein; and

**WHEREAS**, as a result of the foregoing and pursuant to the recommendation memorandum from the Commission Staff, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission has determined that CMC constitutes a sole source provider of the Services; and

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

**WHEREAS**, the Chief Financial Officer of the Commission has certified that 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 be awarded to CMC for the Services for a total contract amount not to exceed \$23,703.00; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the performance of the Services, incorporating the Commission’s requirements and the Proposal submitted by CMC; and

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

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

Commissioner Garofalo offered a motion to adopt the resolution authorizing a sole source contract award to Charter Machine Company for the replacement of the Commission’s three (3) sets of the 3-belt tower presses; 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 a Sole Source Contract Award to Solar Landscape, Inc. for the Development of a Floating Photovoltaic System and the Submission of a Petition to the Board of Public Utilities for a Ruling Related Hereto**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT AWARD TO  
SOLAR LANDSCAPE, INC. FOR THE DEVELOPMENT OF A FLOATING  
SOLAR PHOTOVOLTAIC SYSTEM AND THE SUBMISSION OF A PETITION  
TO THE BOARD OF PUBLIC UTILITIES FOR A RULING RELATED  
THERE TO**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined that it is necessary to retain professional services for the provision of work associated with the finance, design, construction, installation, operation, and maintenance of an approximately 10MW Floating Solar Photovoltaic System (the “System”) for the Commission (the “Floating Solar 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**, on or about December 10, 2019, the Commission publicly advertised a Request for Proposals for the Floating Solar Services in accordance with requirements and specifications set forth therein (“RFP #001-2020”), and subsequently received five proposals (the “Proposals”) on or about May 6, 2020 from various firms; and

**WHEREAS**, the Commission's evaluation committee and its professional consultant Jacobs Engineering, reviewed and evaluated the Proposals and determined that proposal (the “EDF Proposal”) submitted by EDF Renewables Distributed Solutions, Inc. (“EDF Renewables”), was the most qualified, responsible, and responsive proposal for the Floating Solar Services, and recommended that EDF Renewables be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, on June 24, 2020, the Commission adopted Resolution No. 1929 by which the Commission awarded a contract for the Floating Solar Services to EDF Renewables pursuant to RFP #001-2020, which was contingent upon both (1) the successful completion of contract negotiations with EDF Renewables, which was to include, amongst other necessary documents, the negotiation of a Power Purchase Agreement (the “PPA”), and (2) the completion of a petition to the New Jersey Board of Public Utilities (the “BPU”) and a favorable ruling from the BPU with regard to the System (collectively, the “Required Conditions”); and

**WHEREAS**, on June 29, 2021, EDF Renewables received conditional acceptance (the “Conditional Acceptance”) to the BPU’s Transition Incentive Program (the “TI Program”) to receive Transition Renewable Energy Certificates (“TRECs”) for the System; and

**WHEREAS**, pursuant to the Conditional Acceptance, in order to remain eligible for the TI Program, the System must receive permission to operate (“PTO”) from the local utility company by June 29, 2022, which was subsequently extended by six (6) months pursuant to the BPU’s June 24, 2021 Order – or to December 29, 2022; and

**WHEREAS**, both EDF Renewables and the Commission have determined that achieving PTO for the System by December 29, 2022 is not feasible; and

**WHEREAS**, on July 29, 2021, the BPU issued an Order establishing the Successor Solar Incentive Program (the “SuSI Program”) for the issuance of Solar Renewable Energy Certificates-II (“SREC-IIs”) – the program intended to replace the TI Program and TRECs; and

**WHEREAS**, under the SuSI Program, all large net metered non-residential floating solar projects above 5MW, including the System, do not qualify for the pre-determined SREC-IIs values set by the Administratively Determined Incentive portion of the SuSI Program. As a result, without the above-referenced petition to the BPU with regard to the System, the Commission would be forced to either cut the System size in half or subject the full System to the Competitive Solicitation Incentive portion of the SuSI Program – neither of which is an economically viable option; and

**WHEREAS**, on or about March 4, 2022, EDF Renewables informed the Commission that it was terminating its relationship with the Commission with respect to performing the Floating Solar Services and that the two (2) EDF Renewables staff members that had primarily performed the Floating Solar Services were transferring to Solar Landscape, LLC. (“Solar Landscape”); and

**WHEREAS**, Solar Landscape has determined to undertake the Floating Solar Services in accordance with the EDF Proposal; and

**WHEREAS**, since the adoption of Resolution No. 1929 and up until March 4, 2022, despite significant expenditure of development costs by both EDF Renewables and the Commission, neither of the Required Conditions had been completed for the reasons set forth herein; and

**WHEREAS**, as the December 29, 2022 PTO deadline in the Conditional Acceptance is approaching, time is now of the essence to retain a new vendor to file the above-reference petition with the BPU in order to perform the Floating Solar Services and ensure the economic viability of the System; and

**WHEREAS**, based on the due diligence and the development of the System to date, only Solar Landscape has the specific expertise and professionals needed for the Floating Solar Services, as Solar Landscape's employees designed the System and performed the Floating Solar Services for the Commission. As a result, Solar Landscape uniquely possesses in-depth knowledge and expertise as it relates to the System; and

**WHEREAS**, further delay in the implementation of the Floating Solar Services with Solar Landscape jeopardizes the relief sought from the BPU, risks incurring significant increases in development costs, and may result in abandoning the System and the Floating Solar Services altogether; and

**WHEREAS**, as a result of the foregoing and pursuant to the recommendation memorandum from the Commission Staff on file with the Commission, Section 16(c) of Executive Order #37, and Section 1(G) of the Commission's Purchasing Policies and Procedures Manual, the Commission has determined that Solar Landscape constitutes a sole source provider for the Floating Solar Services; and

**WHEREAS**, the award of this contract is contingent upon the completion of a petition to the BPU and a favorable ruling from the BPU with regard to the System; and

**WHEREAS**, the award of this contract is also contingent upon the successful completion of contract negotiations with Solar Landscape, which shall include, amongst other necessary documents, the negotiation of a PPA; and

**WHEREAS**, upon negotiation of the final PPA, same shall be presented to the Commission for approval; and

**WHEREAS**, the award of this contract is also contingent upon the submission of the PPA to the Office of State Comptroller (the "OSC") in accordance with N.J.S.A. 52:15C-10 and N.J.A.C. 17:44-3.8(b), along with the OSC's approval of the PPA; 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, contingent upon certain aforementioned items, a contract be awarded to Solar Landscape for the performance of the Floating Solar Services in accordance with the terms of the EDF Proposal; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a PPA and any other documents necessary or related to the Floating Solar Service for the performance of the Floating Solar Services; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare and submit a petition to the BPU for a ruling on the System; and

**BE IT FURTHER RESOLVED** that the final PPA shall be presented to the Commission upon completion of negotiations; and

**BE IT FURTHER RESOLVED** that after the Commission has approved the final form of the PPA, the Executive Director and General Counsel are hereby authorized to prepare and submit the final PPA to the OSC for its review in accordance with N.J.S.A. 52:15C-10 and N.J.A.C. 17:44-3.8(b); and

**BE IT FURTHER RESOLVED** the Chairman or Vice Chairman of the Commission is hereby authorized to execute the final PPA and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Commissioner Kuser offered a motion to adopt the resolution authorizing a sole source contract award to Solar Landscape, Inc. for the development of a floating photovoltaic system and the submission of a petition to the Board of Public Utilities for a ruling related hereto; 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 Garofalo offered a motion to approve the Wanaque North Operating Account in the amount of \$14,440,174.74; 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. Vice Chairman Shotmeyer abstained from Check #63189.

**Wanaque South 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 Operating Account in the amount of \$544,939.06; 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, Commissioner Garofalo offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$445,340.52; 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 9:46 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