

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JUNE 22, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, June 22, 2022 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell and Commissioners Donald C. Kuser and James L. Cassella were recorded present. Also present were Timothy J. Eustace, Executive Director; William Schaffner, Chief Financial Officer, Kim Diamond, Commission Secretary, Nick Strasser, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Dorian Smith, Associate Counsel of the Governor's Authority Unit. Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze and Jerome P. Amedeo 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.*

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, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo Kuser and Cassella voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:26 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of May 25, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser and Cassella voting in the affirmative. Commissioners Ashkinaze and Amedeo abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of May 25, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser and Cassella voting in the affirmative. Commissioners Ashkinaze and Amedeo abstained.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for June 2022 in the amount of \$112,670.42; seconded by Commissioner Kuser 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:

- a. **Invoice #1083-60 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$317,065.16**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #512623 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,235.23**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #52731 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$4,987.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #13208451 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,399.28**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(d) for payment.
- e. **Various Invoices from The BNY Mellon – NJ Infrastructure Bank Bond Trustee Fees in the amount of \$5,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(e) for payment.
- f. **Various Invoices from Wilmington Trust – NJDWSC Trustee Fees for Wanaque South Project in the amount of \$6,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.
- g. **Invoice #64984 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$1,181.25**
Paul Serillo, Director of facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(g) for payment.
- h. **Invoice #6 FINAL from C. Dougherty & Co., Inc. for Contract #2076 – Low Lift Pump Station VFD Cooling Project in the amount of \$9,350.00**
Michael Dox, Plant Electrical Engineer and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Invoice #IL-WATER00000009 from Cypress ETI, LLC for Contract #2072 – Wanaque North Aqueduct Condition Assessment in the amount of \$194,600.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(i) for payment.
- j. **Invoice E6X94200031 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$1,346.74**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(j) for payment.

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

Resolution – Authorizing the Award of Contract #2090 to Fox Fence Enterprises, Inc. for the Construction of Safety Fencing for the Monksville Dam

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD OF CONTRACT #2090 TO FOX
FENCE ENTERPRISES, INC. FOR THE CONSTRUCTION OF SAFETY
FENCING FOR THE MONKSVILLE DAM**

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, 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 the services of a qualified contractor to provide for the construction of a safety fence at the Monksville Dam (the “Services”); and

WHEREAS, the Commission is empowered by law 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 bids in writing and award contracts after public advertisement; and

WHEREAS, the Commission publicly advertised a Bid Specification for Contract #2090 (“Contract #2090”) for work associated with the Services, all in accordance with the requirements and specifications set forth therein, and thereafter on or about June 7, 2022 subsequently received two (2) bids from interested vendors; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the bids received, and determined that Fox Fence Enterprises, Inc. (“Fox”), who submitted a bid to perform the Services for a total amount of \$49,354.00 (the “Bid”), has submitted the lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that Fox be awarded a contract for the Services in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the Commission desires to retain Fox to perform the Services in accordance with the Commission's requirements as set forth in Contract #2090, 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 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 Contract #2090 for the work associated with the Services be awarded to Fox as the lowest conforming bidder in accordance with the Commission’s requirements set forth in Contract #2090, the Bid, the Commission’s enabling legislation, and applicable State law, for the total amount of \$49,354.00; 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 #2090, 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, including by electronic signature, 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 Kuser offered a motion to adopt the resolution authorizing the award of Contract #2090 to Fox Fence Enterprises, Inc. for the construction of safety fencing for the Monksville Dam; 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 Change Order No. 1 to Contract #2082 with Scott Testing, Inc. for Work Associated with the Electrical Distribution Analysis and Testing Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT
#2082 WITH SCOTT TESTING, INC. FOR WORK ASSOCIATED WITH THE
ELECTRICAL DISTRIBUTION ANALYSIS AND TESTING SERVICES**

WHEREAS, pursuant to N.J.S.A. 58:5-1 et seq., 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 determined that it was necessary to retain the services of a qualified vendor to provide services associated with the Electrical Distribution Analysis and Testing 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 July 1, 2021, the Commission publicly advertised a Bid Specification for Contract #2082 (“Contract #2082”) for work associated with the Services in accordance with the requirements and specifications set forth therein and subsequently received one bid proposal (the “Proposal”) on or about August 25, 2021, from Scott Testing, Inc. (“Scott Testing”) to perform the Services for the not-to-exceed amount of \$235,079.00 (the “Bid”); and

WHEREAS, the Commission examined the Bid and determined that the services and fees set forth therein were reasonable, necessary and appropriate, and recommended that Scott Testing be awarded a contract as the sole and lowest conforming bid for the Services in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, by Resolution No. #2006 dated September 22, 2021, in accordance with the Bid and the Proposal, the Commission authorized the award of Contract #2082 for the Services to Scott Testing for the not-to-exceed amount of \$235,079.00; and

WHEREAS, as Scott Testing proceeded with the provision of the Services, Scott Testing identified issues with electrical equipment throughout the treatment plant that require immediate service and repairs, as set forth in the Equipment Comments and Deficiency Reports dated January 10, 2022 and May 17, 2022 submitted to the Commission and attached, with the potential for additional testing and further repairs as required through the completion of the Services (the “Additional Work”); and

WHEREAS, Scott Testing has agreed to perform the Additional Work for an amount not-to-exceed \$50,000 (“Change Order No. 1”); and

WHEREAS, Commission staff have examined Scott Testing’s requested Change Order No. 1 to Contract #2082, have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and recommended that the Commission approve Change Order No. 1 to Contract #2082; and

WHEREAS, the award of this Change Order No. 1 to Contract #2082 is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 1 to Contract #2082.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2082 in the amount not-to-exceed \$50,000 with Scott Testing is hereby approved.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2082 in accordance with Scott Testing's proposals and this resolution, with all other terms and conditions of Contract #2082, to remain unchanged.

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2082, including by electronic signature, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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 Change Order No. 1 to Contract #2082 with Scott Testing, Inc. for work associated with the electrical distribution analysis and testing 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 Purchase of Additional Equipment Associated with the Tower Presses from Charter Machine Company as the Sole Source Provider

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE PURCHASE OF ADDITIONAL
EQUIPMENT ASSOCIATED WITH THE TOWER PRESSES FROM CHARTER
MACHINE COMPANY AS THE SOLE SOURCE PROVIDER**

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, on April 27, 2022, by Resolution #2056, the Commission authorized Charter Machine Company ("CMC") as the sole source provider to replace three (3) sets of the 3-belt Tower Presses located at the Commission's residuals treatment facility (the "Tower Presses") for a total contract amount not to exceed \$23,703.00; 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, on June 8, 2022, Commission staff submitted a memorandum, attached hereto, recommending the Commission purchase certain spare parts for the Tower Presses to have on-site when breakdowns occur to reduce any impact on the operation of the Tower Presses; and

WHEREAS, the additional spare parts for the Tower Presses are (i) one (1) set of belts costing approximately \$8,266.00; (ii) factory installation & instruction costing approximately \$2,000.00; (iii) three (3) sets of torsion springs and paddles costing approximately \$725.00; and (iv) an additional authorization of \$14,000.00 for the purchase of additional spare parts from CMC as needed to repair the Tower Presses (collectively, the "Additional Services") for a total amount not to exceed \$25,000.00; and

WHEREAS, CMC has the specific parts needed for the Additional Services, which must all be purchased from CMC to ensure maximum functionality and warranty coverage for the Tower Presses; and

WHEREAS, the authorization of this purchase 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 purchase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the purchase of the Additional Services, in an amount not to exceed \$25,000.00 from CMC as a sole source provider as designated in Resolution #2056 adopted by the Commission on April 27, 2022, is hereby authorized; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute any and all documents necessary to effectuate the purchase of the Additional Services, including by electronic signature, 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 the purchase of additional equipment associated with the tower presses from Charter Machine Company as the sole source provider; 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 North 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 North Operating Account in the amount of \$3,010,704.06; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser 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 \$681,421.34; seconded by Commissioner Kuser 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 Kuser offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$413,350.38; seconded by Commissioner Kuser 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 9:37 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