

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

**WEDNESDAY, JULY 27, 2022**

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, July 27, 2022 at 9:05 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, Maria Alliegro, Director of Engineering, James Stachura, Project Engineer, Kim Diamond, Commission Secretary, Francine C. McManimon, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Dorian Smith, Associate Counsel of the Governor's Authority Unit. Commissioners Alan S. Ashkinaze, Jerome P. Amedeo and Robert C. Garofalo participated via teleconference. Vice Chairman Charles P. Shotmeyer was absent.

Also in attendance was Chris Vancheri, Councilman from the Township of Little Falls, James Dimaria, Construction Official from the Township of Little Falls and Clayton Simons, Senior Sales Representative at American Cast Iron Pipe Company.

Chairman Burrell asked everyone to stand and recite the Pledge of Allegiance.

Pursuant to the requirements of N.J.S.A. 10:4-6, et seq., Commission Secretary Kim Diamond acknowledged compliance with the statute. Commission Secretary Diamond advised that the provisions of the Open Public Meetings Act have been complied with as to the posting of notice in a public place reserved for such announcement and transmittal to the mass media for publication.

Commission Secretary Kim Diamond read the following resolution:

***WHEREAS***, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

***WHEREAS***, the public body is of the opinion that such circumstances recently exist.

***NOW, THEREFORE, BE IT RESOLVED***, by the Commissioners of the North Jersey District Water Supply Commission of the State of New Jersey as follows:

1. *The public shall be excluded from discussions of the hereinafter-specified subject matters; the general natures of the subject matters to be discussed are Pending Litigation and Contracts;*
2. *It is anticipated at this time that the above stated subject matters will be ratified during the Public Meeting to follow or as soon thereafter as the reason for discussing the matters in the Executive Conference no longer exists.*
3. *This Resolution shall take effect immediately.*

Commissioner Kuser offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:07 a.m.

Chairman Burrell reconvened the Public Meeting at 10:00 a.m.

## PUBLIC COMMISSION BUSINESS

### ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of June 22, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Commissioner Garofalo abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of June 22, 2022; seconded by Commissioner Ashkinaze and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Commissioner Garofalo abstained.

Commissioner Kuser offered a motion to approve the Purchase Requisitions over \$5000 Report for July 2022 in the amount of \$52,590.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

- a. **Various Invoices from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$7,036.12**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(a) for payment.
- b. **Invoice #53201 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$948.32**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #13107342 & #13248361 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$2,742.82**  
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$70,950.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(d) for payment.
- e. **Invoice #836826 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$7,800.00**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(e) for payment.
- f. **Various Invoices from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$58,125.00**  
Doug Delorie, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(f) for payment.
- g. **Invoice #C-2112553R1 from J. Fletcher Creamer & Son, Inc. for Wanaque North Aqueduct Improvement & Repair in the amount of \$156,564.61**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from Wilmington Trust – NJDWSC Trustee Fees for Wanaque South Project in the amount of \$3,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Invoice #24 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$612.50**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(i) for payment.
- j. **Invoice #263727 from Go Organic Lawn & Tree Care for Contract #2067 – Vegetation Management in the amount of \$8,750.00**

Robert Malone, Manager of GFM and William Jones, Assistant Manager of GFM approved invoice 3(j) for payment.

**k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$17,446.25**

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

**l. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$4,813.81**

Maria Alliegro, Director of Facilities and James Stachura Project Engineer approved invoice 3(l) for payment.

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

**Resolution – Approving the Reallocation of Capital Budget Appropriations**

Commission Secretary Kim Diamond read the following resolution:

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

**WHEREAS**, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

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

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

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

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

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to implement the transfer of funds as indicated on the Capital Budget Reallocation List; and

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

Commissioner Kuser offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Disposition of Obsolete Equipment**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF  
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
AUTHORIZING DISPOSITION OF OBSOLETE EQUIPMENT**

**WHEREAS**, the North Jersey District Water Supply Commission (hereinafter “Commission”) is organized and exists pursuant to the provisions of N.J.S.A. 58:5-1 et seq., and constitutes a public body

corporate and politic of the State of New Jersey; and

**WHEREAS**, the Commission Staff has identified certain equipment which is no longer necessary for the safe and efficient operation of the Commission and has been determined to be of no monetary value; and

**WHEREAS**, the Commission desires to dispose of such equipment as permitted by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby declares the equipment listed on Exhibit A to have no value and directs the Executive Director to dispose of all such equipment in the most economical fashion he deems appropriate, but in conformance to the greatest extent practicable with Treasury Circular 13-18-DPP.

Commissioner Cassella offered a motion to adopt the resolution authorizing disposition of obsolete equipment; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE ONLINE SALE OF SURPLUS VEHICLES  
AND EQUIPMENT**

**WHEREAS**, pursuant to N.J.S.A. 58:5-1 et seq., 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**, pursuant to the broad power conferred in N.J.S.A. 58:5-7, the Commission is empowered to dispose of all such property as may no longer be necessary for the uses and purposes for which the Commission was created; and

**WHEREAS**, the staff of the Commission has identified certain vehicles and equipment (Exhibit “A” attached) that are no longer necessary for the provision of potable water supplies to its member municipalities in accordance with its statutory responsibilities; and

**WHEREAS**, the Commission desires to dispose of such surplus vehicles and equipment pursuant to a publicly advertised process in order to obtain the fair market value for such vehicles and equipment for the benefit of its member municipalities; and

**WHEREAS**, the sale and disposition of such surplus vehicles and equipment is necessary for the Commission's efficient operations and the protection of its water supply facilities; and

**WHEREAS**, the Commission had previously authorized the sale of surplus vehicles and equipment through GovDeals, a state contract online government surplus auction website; and

**WHEREAS**, the Commission desires to sell the surplus vehicles and equipment identified on Exhibit A through GovDeals.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves and authorizes the sale and disposition of surplus vehicles and equipment identified on Exhibit A attached hereto through GovDeals as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with its terms and conditions.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9;  
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 online sale of surplus vehicles and equipment; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing a Sole Source Purchase from LRM, Inc. for the Replacement and Repair of Certain Meters at the Commission’s Residual Treatment Facility**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE PURCHASE FROM LRM,  
INC. FOR THE REPLACEMENT AND REPAIR OF CERTAIN METERS AT  
THE COMMISSION’S RESIDUAL TREATMENT FACILITY**

**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**, during the redesign of the Commission’s Residual Treatment Facility (“RTF”), approximately 28 Endress + Hauser meters (the “Meters”) were purchased from LRM, Inc. (“LRM”) and installed at the RTF; and

**WHEREAS**, the Commission has experienced issues with three (3) of the Meters, two of which were repaired and one of which is recommended for replacement; and

**WHEREAS**, the Commission has determined the need to fully replace one (1) of the Meters (the “Replacement Meter”) and to address future potential issues with other Meters located at the RTF (collectively, the “Services”); and

**WHEREAS**, the Meters are an essential part of the Commission’s operations; and

**WHEREAS**, LRM is the only regional distributor of the Meters as well as an authorized repair contractor and has the specific parts needed for the Services to ensure maximum functionality for the Meters; and

**WHEREAS**, the Commission is in receipt of a purchase order dated June 22, 2022, from LRM in the amount of \$5,146.22 for performance of the Services; 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 “Manual”), the Commission has determined that LRM 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 LRM be designated as the sole source provider for the Services including the purchase of the Replacement Meter in the amount of \$5,146.22 and the purchase and repair of additional Meter equipment in accordance with the Manual; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such documents as necessary to effectuate the 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 a sole source purchase from LRM, Inc. for the replacement and repair of certain meters at the Commission's Residual Treatment Facility; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing a First Amendment to the Site Lease Agreement Between the North Jersey District Water Supply Commission and T-Mobile Northeast, LLC**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A FIRST AMENDMENT TO THE SITE LEASE  
AGREEMENT BETWEEN THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AND T-MOBILE NORTHEAST, LLC**

**WHEREAS**, the North Jersey District Water Supply Commission ("Commission" or "Landlord") 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 is the owner of certain real property located at Union Boulevard, near Main Street, Totowa, New Jersey (the "Property"), and, in connection therewith, entered into a site lease agreement which was fully executed on April 6, 2001 (the "Lease") with T-Mobile Northeast LLC, a Delaware limited liability company (the "T-Mobile" or "Tenant"); and

**WHEREAS**, subsequent to entry into the Lease, the Commission and T-Mobile determined to amend the said Lease by entering into a first amendment thereto (the "First Amendment"), which will modify the respective rights and obligations of the Parties with respect to a) the Lease Term and b) the Rent paid thereunder, but will otherwise not affect the rights and obligations of the Parties as to the balance of the Lease, which, except as modified by the First Amendment, shall remain in full force and effect; and

**WHEREAS**, the First Amendment shall effectuate the following changes to the Lease:

**Term.** At the expiration of the current term, the term of the Lease will automatically be extended for one (1) additional five (5) year.

**Renewal Term.** Commencing on July 15, 2022 and ending on July 14, 2027. Upon expiration of the Renewal Term, any further renewal or extension of the Lease shall be by negotiation of the Parties.

**Rent.** At the commencement of the Renewal Term provided for in this First Amendment (as of July 15, 2022), Tenant shall pay Landlord, in advance, Four Thousand Dollars and No Cents (\$4,000.00) per month as Rent under the Lease [partial calendar month(s) to be prorated], by the fifth (5<sup>th</sup>) day of each calendar month. Thereafter, and notwithstanding anything to the contrary in the Lease, Rent will escalate by 3% of the Rent in effect for the previous year on July 15, 2023, and upon each anniversary thereafter. If Tenant shall remain in possession of the Premises, without further written agreement, after the expiration of the Renewal Term provided for in this First Amendment, Rent for any holdover month shall be payable at the rate of One Hundred Percent (100%) of the Rent payable in the most recent full month in or for which there was a written agreement between both Parties, subject to any further negotiation between the Parties, with respect to any further extension or renewal of the Lease beyond the expiration of the Renewal Term.

**WHEREAS**, in order to effectuate the foregoing, the Commission is desirous of amending the Lease all as set forth in the First Amendment, a copy of which is appended hereto as Exhibit A, and which has been approved as to form by General Counsel.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that the First Amendment to the Lease be and the same is hereby approved by the Board, and Commission personnel are authorized and directed to effectuate the

implementation of the First Amendment to the Lease, including the execution of all documents reasonably necessary (including the First Amendment) to achieve that end; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the First Amendment to the Lease, 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 and the First Amendment to the Lease 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 first amendment to the site lease agreement between the North Jersey District Water Supply Commission and T-Mobile Northeast, LLC; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Purchase of Additional Equipment Associated with the R One Series Rescue Boat from Mid-Atlantic Rescue Systems, Inc. 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 R ONE SERIES RESCUE BOAT  
FROM MID-ATLANTIC RESCUE SYSTEMS, INC. AS THE SOLE SOURCE  
PROVIDER**

**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**, on March 23, 2022, by Resolution #2045, the Commission designated Mid-Atlantic Rescue Systems, Inc. (“MRS”) as the sole source provider of a R One Series Rescue Boat (“R Boat”) for a total contract amount not-to-exceed \$25,609.45; and

**WHEREAS**, the Commission intended to utilize a motor from a current vessel for the R Boat, however the intended motor is too heavy for the R Boat; and

**WHEREAS**, on July 5, 2022, Commission staff submitted a cost estimate for the motor for the R Boat (the “Motor”) in the amount of \$7,784.35, all cables and controls included with install of boat package, attached hereto as Attachment A, and a recommendation that the Commission purchase the Motor; and

**WHEREAS**, the Commission has determined to acquire the Motor from MRS which is uniquely designed for R Boat; and

**WHEREAS**, purchase of the Motor is essential to the operations of the Commission including water rescues; 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 Motor, in an amount not to exceed \$7,784.35 from MRS as a sole source provider as designated in Resolution #2045 adopted by the Commission on March 23, 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 Motor, 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 Ashkinaze offered a motion to adopt the resolution authorizing the purchase of additional equipment associated with the R One Series Rescue Boat from Mid-Atlantic Rescue Systems, Inc. as the sole source provider; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order No. 2 to Contract #2036 with Shannon Chemical Corp. for Liquid Non-Zinc Orthophosphate**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT  
#2036 WITH SHANNON CHEMICAL CORP. FOR LIQUID NON-ZINC  
ORTHOPHOSPHATE**

**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 previously determined there was a need to procure LIQUID NON-ZINC ORTHOPHOSPHATE to be used at the Water Filtration Plant in the treatment and provision of potable water for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-20, the Commission publicly advertised for bids for the furnishing and delivery of LIQUID NON-ZINC ORTHOPHOSPHATE and received proposals from interested parties on or before November 9, 2018; and

**WHEREAS**, thereafter the Commission evaluated the proposals and adopted Resolution No. 1820 dated November 28, 2018 authorizing the award and execution of Contract No. 2036 (“Contract No. 2036”) to Shannon Chemical Corp. (“Shannon”) for the price of Five Hundred Seventy Seven Dollars and Fifty Seven Cents (\$577.57) per ton for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of Contract No. 2036; and

**WHEREAS**, on or about October 28, 2020, the Commission adopted Resolution No. 1950, authorizing a one-year extension of Contract No. 2036 under the same terms and conditions as outlined in Contract No. 2036; and

**WHEREAS**, on October 27, 2021, the Commission adopted Resolution #2014 authorizing (i) a change order to Contract #2036 for a price increase from \$577.57/ton to \$847.00/ton due to increased costs in the unstable phosphate market and circumstances with one of its raw material producers (“Change Order No. 1”) and (ii) Extension No. 2 to Contract #2036 extending the term of Contract #2036 to November 24, 2022; and

**WHEREAS**, on June 29, 2022, Shannon notified the Commission that it has experienced increased costs due to the phosphate market, world supply chain issues, the global economy and Russia-Ukraine war; and

**WHEREAS**, due to the aforementioned reasons, Shannon is seeking a change order to Contract #2036 for a price increase to supply the Liquid Non-Zinc Orthophosphate at the delivered price of One Thousand Three Hundred Twenty-Six Dollars and Sixty Cents (\$1,326.60) per ton effective July 01, 2022 (“Change Order No. 2”); and

**WHEREAS**, Commission staff examined Shannon’s requested Change Order No. 2 to Contract #2036 and determined that the goods and fees set forth therein are reasonable, necessary and appropriate, and recommended that the Commission approve Change Order No. 2 to Contract #2036; and



**WHEREAS**, the award of this Change Order No. 2 to Contract #2036 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. 2 to Contract #2036.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 2 to Contract #2036 in the amount not-to-exceed \$1,326.60 per ton for Liquid Non-Zinc Orthophosphate with Shannon is hereby approved.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 2 to Contract #2036 in accordance with this resolution, with all other terms and conditions of Contract #2036 to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 2 to Contract #2036, 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; 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 Change Order No. 2 to Contract #2036 with Shannon Chemical Corp. for Liquid Non-Zinc Orthophosphate; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of Contract #2087R-A with Trees Plus, Inc. and Contract #2078R-B with Downes Tree Service, Inc. for Work Associated with Hazardous Tree Removal Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF  
CONTRACT #2078R-A WITH TREES PLUS, INC. AND CONTRACT #2078R-B  
WITH DOWNES TREE SERVICE, INC. FOR WORK ASSOCIATED WITH  
HAZARDOUS TREE REMOVAL 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 qualified contractors with the expertise to provide Hazardous Tree Removal services (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 May 26, 2022, the Commission publicly advertised a Bid Specification for Contract #2078R (“Contract #2078R”) for work associated with Hazardous Tree Removal Services in accordance with requirements and specifications set forth therein and subsequently received six bids (the “Proposals”) from interested firms on June 30, 2022; and

**WHEREAS**, the Commission's evaluation committee reviewed and evaluated the Proposals, and determined that Trees Plus, Inc. (“Trees Plus”) and Downes Tree Service, Inc. (“Downes”) were the lowest qualified, responsible and responsive bids for the Services and able to perform the work in accordance with the project schedule (the “Bids”), inclusive of all five sections and Emergency On-Call Work as set forth in Contract #2078R, for total not-to-exceed fees as set forth below:

Section 1 – The Services at Greenwood Lake Turnpike and Ringwood Avenue is awarded to Trees Plus for a not-to-exceed fee of \$352,640.00;

Section 2 – The Services at Skylands Road, Sloatsburg Road, and Margaret King Avenue is awarded to Trees Plus for a not-to-exceed fee of \$259,092.00;

Section 3 – The Services at Westbrook, Stonetown, Snake Den, and Townsend Roads is awarded to Downes for a not-to-exceed fee of \$168,075.00;

Section 4 – The Services at the Commission Facilities and Dams is awarded to Trees Plus for a not-to-exceed fee of \$78,388.00;

Section 5 – The Services at the Commission Property along Aqueducts is awarded to Downes for a not-to-exceed fee of \$682,500.00;

Emergency On-Call Work is awarded to Trees Plus based on rates as set forth in the Trees Plus Bid.

The total contract award to Trees Plus for Sections 1, 2, and 4, is a not-to-exceed amount of \$690,120.00 plus a \$50,000 allowance for Emergency Work, for a contract total of \$740,120.00.

The total contract award to Downes for Sections 3 and 5, is a not-to-exceed amount of \$850,575.00.

**WHEREAS**, the Commission desires to retain the services of Trees Plus (Contract #2078R-A) and Downes (Contract #2078R-B) to perform the Hazardous Tree Removal Services in accordance with the Commission's requirements as set forth in Contract #2078R-A, Contract #2078R-B (together the “2078R Contracts”), the Bids, and any applicable laws, rules, or regulations, and

**WHEREAS**, the award of the 2078R Contracts are 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 these contracts.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2078R-A for the work associated with the Hazardous Tree Removal Services for Sections 1, 2, 4, and Emergency Work as set forth in Contract #2078R be awarded to Trees Plus in the total not-to-exceed amount of \$740,120.00, and that Contract #2078R-B for work associated with the Hazardous Tree Removal Services for Sections 3 and 5 as set forth in Contract #2078R be awarded to Downes in the total not-to-exceed amount of \$850,575.00, as the lowest qualified, responsible and responsive bidders able to perform the work in accordance with the project schedule in accordance with the Commission’s enabling legislation and applicable State law, under the same terms and conditions; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Contract 2078R-A and Contract 2078R-B for the Hazardous Tree Removal Services, incorporating the Commission’s requirements as set forth in Contract #2078R and the Bids, 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 the 2078R Contracts, 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 and the 2078R Contracts 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 #2978R-A with Trees Plus, Inc. and Contract #2078R-B with Downes Tree Service, Inc. for work associated with hazardous tree removal services; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell 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 Kuser offered a motion to approve the Wanaque North Operating Account in the amount of \$2,614,772.06; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Wanaque South Operating Account:**

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Operating Account in the amount of \$481,144.21; seconded by Commissioner

Kuser and unanimously approved with Chairman Burrell 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 Kuser offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$403,433.95; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Cassella offered a motion to adjourn the meeting at 10:16 a.m.; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond  
Commission Secretary