

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, AUGUST 24, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, August 24, 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; Kim Diamond, Commission Secretary and Dorian Smith, Associate Counsel of the Governor's Authority Unit. Vice Chairman Charles P. Shotmeyer, Commissioner Alan S. Ashkinaze, Commissioner Jerome P. Amedeo, Commissioner Robert C. Garofalo, Nick Strasser, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and William Schaffner, Chief Financial Officer 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 Cassella 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 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:39 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of July 27, 2022; seconded by Commissioner Ashkinaze and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of July 27, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2022 in the amount of \$73,620.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-61 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$11,881.24**
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #526372 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$6,322.70**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #13290015 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,484.22**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Invoice #50239 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$23,925.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(d) for payment.
- e. **Invoice #23780 from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$20,150.00**
Doug Delorie, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(e) for payment.
- f. **Various Invoices from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$700.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(f) for payment.
- g. **Invoice #65424 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$2,650.00**
Paul Serillo, Director of facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(g) for payment.
- h. **Invoice #769684 from Colliers Engineering & Design, Inc. for Contract #2091 – Land Surveying Services for Commission Owned Dams in the amount of \$1,900.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$5,175.39**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(i) for payment.
- j. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$21,993.04**

Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager 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 \$6,390.00

Maria Alliegro, Director of Engineering, Chris Clamser, Project Engineer, Michael Dox, Plant Electrical Engineer and Les Malytskyy, 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 \$1,501.54

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

Resolution – Authorizing Amendment No. 2 to Contract #2052 with Jacobs Engineering, Inc. for Additional Construction Administration Services for the Residual Treatment Facility (RTF) Upgrade

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 2 TO CONTRACT #2052
WITH JACOBS ENGINEERING, INC. FOR ADDITIONAL CONSTRUCTION
ADMINISTRATION SERVICES FOR THE RESIDUAL TREATMENT
FACILITY (RTF) UPGRADE**

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

WHEREAS, the Commission previously determined that there was a need to retain a team of qualified engineering and construction firms to study, design and construct upgrades related to the Commission’s Water Treatment Plant in Wanaque, New Jersey, including rehabilitation and upgrade of the Residual Treatment Facility (the “Project”), to ensure compliance with the requirements of a certain Administrative Consent Order with the New Jersey Department of Environmental Protection; and

WHEREAS, the Commission previously awarded the Project to Stone Hill Contracting Company, including their team of architects and engineers (“Stone-Hill”), with an initial substantial completion date of May 1, 2020 for the Project (“Contract #1083”); and

WHEREAS, the Commission previously determined there was a need to retain a professional engineering firm to provide construction administration services, including but not be limited to, communication and meetings with, and reviewing, reporting, monitoring, inspecting and observing the work, progress and final punch-list items of Stone-Hill (the “Construction Administration Services”); and

WHEREAS, on or about April 2, 2019, the Commission publicly advertised a request for qualifications and proposals for the Construction Administration Services, and received proposals from interested parties; and

WHEREAS, on or about June 26, 2019, the Commission adopted a resolution awarding Jacobs Engineering, Inc. (“Jacobs”) a contract for the provision of the Construction Administration Services (“Contract #2052”); and

WHEREAS, Stone-Hill had been working diligently to meet the May 1, 2020 substantial completion deadline, and had been keeping the project on target, however, due to the Covid-19 pandemic and related state restrictions, there was a critical effect on the schedule stemming from a depleted workforce including union labor, permit review delays and equipment manufacturing and delivery setbacks; and

WHEREAS, due to the encountered delays, the Commission authorized Change Order #2 to Contract #1083 to allow a new substantial completion deadline of August 31, 2020 and new final completion date of November 20, 2020; and

WHEREAS, due to the continued impacts and delays, the Commission authorized Change Order #3 to Contract #1083 authorizing a new final completion date of November 30, 2021; and

WHEREAS, subsequently, Jacobs' scope of work under Contract #2052 has expanded due to this longer construction schedule, requiring additional project management oversight, design reviews, inspection services, and start-up troubleshooting; and

WHEREAS, on February 24, 2021, the Commission adopted Resolution #1976 authorizing Amendment No. 1 to Contract #2052 to increase the contract budget by \$100,000 from \$391,500 to \$491,500, to complete the Construction Administration Services as further set forth in the proposal from Jacobs dated February 9, 2021; and

WHEREAS, Jacobs conducted a high level performance assessment of the operating system at the Residual Treatment Facility ("RTF") in June, 2022, and on July 28, 2022 submitted a memorandum (the "Memorandum") to the Commission recommending additional extended training for the RTF operators on various aspects of the operating system and the development of a Standard Operating Procedure (SOP) to formalize the operating guidelines and provide a reference for the RTF operators on troubleshooting and how to handle various scenarios with the operating system (the "Training Services"); and

WHEREAS, in order to provide the Training Services, Jacobs needs to be on-site for a minimum of three weeks; and

WHEREAS, the Commission staff recommends an increase of \$100,000 in the not-to-exceed value of Contract #2052, from \$491,500 to \$591,500 for the Training Services; and;

WHEREAS, the Commission staff have examined the Memorandum and Amendment No. 2 ("Amendment No. 2") to Contract #2052 and have determined that the terms set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 2 to Contract #2052; and

WHEREAS, the award of this Amendment No. 2 to Contract #2052 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 Amendment No. 2 to Contract #2052.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 2 to Contract #2052 with Jacobs adding \$100,000.00 to Contract #2052 is hereby approved, bringing the total not-to-exceed amount for Contract #2052 to \$591,500; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 2 to Contract #2052, with all other terms and conditions of Contract #2052, to remain unchanged; and

BE IT FURTHER RESOLVED that the Executive Director of the Commission is hereby authorized to execute Amendment No. 2 to Contract #2052, including by electronic signature, and the Secretary of the Commission is authorized to attest to the signature of the Executive Director; and

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

Commissioner Cassella offered a motion to adopt the resolution authorizing Amendment No. 2 to Contract #20521 with Jacobs Engineering, Inc. for additional construction administration services for the Residual Treatment Facility (RTF) upgrade; 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 #2088R-2-A with Spartan Construction, Inc. for Work Associated with Stone Pointing and Waterproofing the Low Lift Pump Station and Contract #2088R-2-B with Pax Mundus Enterprise, LLC for Work Associated with Stone Pointing and Waterproofing the Control House

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2088R-2-A WITH SPARTAN CONSTRUCTION, INC. FOR**

**WORK ASSOCIATED WITH STONE POINTING AND WATERPROOFING
THE LOW LIFT PUMP STATION AND CONTRACT #2088R-2-B WITH PAX
MUNDUS ENTERPRISE, LLC FOR WORK ASSOCIATED WITH STONE
POINTING AND WATERPROOFING THE CONTROL HOUSE**

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 qualified contractors with the expertise in general construction, masonry, and waterproofing as it pertains to historic masonry building construction to provide Stone Pointing and Waterproofing at the Low Lift Pump Station (“the “Low Lift Pump Station Services”) and the Control House (the “Control House Services”) (together 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 July 6, 2022, the Commission publicly advertised a Bid Specification for Contract #2088R-2 for work associated with the Services in accordance with requirements and specifications set forth therein (“Contract #2088R-2”) and subsequently received seven bids (the “Proposals”) from interested firms on August 4, 2022; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposals, and determined that Pax Mundus Enterprise, LLC (“Pax Mundus”) was the lowest qualified, responsible and responsive bid for the Control House Services (the “Pax Mundus Bid”); and Spartan Construction, Inc. (“Spartan”) was the lowest qualified, responsible and responsive bid for the Low Lift Pump Station Services (the “Spartan Bid”, and together with the Pax Mundus Bid, the “Bids”), as set forth in Contract #2088R-2, for total not-to-exceed fees as set forth below:

Spartan Bid for Low Lift Pump Station Services for a not-to-exceed fee of \$260,000.00 (“Contract #2088R-2-A”);

Pax Mundus Bid for Control House Services for a not-to-exceed fee of \$61,071.00 (“Contract #2088R-2-B” and together with Contract #2088R-2-A, the “2088R-2 Contracts”);

The total not-to-exceed amount for the 2088R-2 Contracts is \$321,071.00.

WHEREAS, the Commission desires to retain the services of Spartan (Contract #2088R-2-A) to perform the Low Lift Pump Station Services in accordance with the Commission's requirements as set forth in Contract #2088R-2-A, the Spartan Bid, and any applicable laws, rules, or regulations, and

WHEREAS, the Commission desires to retain the services of Pax Mundus (Contract #2088R-2-B) to perform the Control House Services in accordance with the Commission's requirements as set forth in Contract #2088R-2-B, the Pax Mundus Bid, and any applicable laws, rules, or regulations, and

WHEREAS, the award of the 2088R-2 Contracts 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 these contracts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2088R-2-A for the work associated with the Low Lift Pump Station Services as set forth in Contract #2088R-2 and the Spartan Bid be awarded to Spartan in the total not-to-exceed amount of \$260,000.00, and that Contract #2088R-2-B for work associated with the Control House Services as set forth in Contract #2088R-2 and the Pax Mundus Bid be awarded to Pax Mundus in the total not-to-exceed amount of \$61,071.00, as the lowest qualified, responsible and responsive bidders able to perform the work in accordance with Contract #2088R-2 and the respective Bids 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 #2088R-2-A and Contract #2088R-2-B for the Services, incorporating the

Commission's requirements as set forth in Contract #2088R-2 and the respective 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 #2088R-2 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 #2088R-2 Contracts 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 #2088R-2-A with Spartan Construction, Inc. for work associated with stone painting and waterproofing the Low Lift Pump Station and Contract #2088R-2-B with Pax Mundus Enterprise, LLC for work associated with stone pointing and waterproofing the Control House; 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 – Rescinding Resolution No. 2072 Authorizing the Award and Execution of Contracts #2078R-A and #2078R-B for Hazardous Tree Removal

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION RESCINDING RESOLUTION NO. 2072 AUTHORIZING THE
AWARD AND EXECUTION OF CONTRACTS #2078R-A AND #2078R-B FOR
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 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, including without limit vendors for the removal of hazardous trees to facilitate Commission operations; 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, 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, on or about May 26, 2022, the Commission publicly advertised a Bid Specification for Contract #2078R ("Contract #2078R") for work associated with the Services in accordance with requirements and specifications set forth therein, and subsequently awarded the Contract #2078R to Trees Plus, Inc. ("Trees Plus") and Downes Tree Service, Inc. ("Downes") (together the "Awarded Contractors"), respectively, broken up between the two as Contract #2078R-A and #2078R-B (together the "2078R Contracts"); and

WHEREAS, on July 27, 2022, the Commission adopted Resolution No. 2072 authorizing the award and execution of the 2078R Contracts; and

WHEREAS, following the award of the 2078R Contracts, additional Commission due diligence revealed there was a variable in the Scope of Work in Contract #2078R resulting in a defective procurement; and

WHEREAS, the Commission has subsequently determined that the scope of the Services in Contract #2078R in connection with the trees to be removed needed to be revised; and

WHEREAS, pursuant to changes in the scope of services needed and 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 specifically, the removal of hazardous trees which may impede Commission operations, the Commission now desires to rescind Resolution No. 2072; and

WHEREAS, the Commission further desires the scope of services be revised consistent with the forgoing and any additional changes, and that a new request for proposals be issued for the Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, that they hereby rescind Resolution No. 2072 awarding Contract #2078R-A and Contract #2078R-B in accordance with the Commission's enabling legislation and applicable State law; and

BE IT FURTHER RESOLVED that the Executive Director, Chairman and/or Vice Chairman are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with General Counsel; 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; and

Commissioner Cassella offered a motion to adopt the resolution rescinding Resolution No. 2072 authorizing the award and execution of Contracts #2078R-A and #2078R-B for hazardous tree removal services; 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.

Wanaque North 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 North Operating Account in the amount of \$7,748,064.02; 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.

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 \$4,321,159.90; 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 Kuser offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$658,136.41; 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 9:48 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