

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JANUARY 23, 2019

The monthly Public Meeting of the Commission was called to order by Chairman Charles P. Shotmeyer on Wednesday, January 23, 2019 at 9:04 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Charles P. Shotmeyer, Vice Chairman Howard L. Burrell and Commissioners Alan S. Ashkinaze and Donald C. Kuser were recorded present. Also present were Timothy J. Eustace, Executive Director, Todd R. Caliguire, Deputy Executive Director, William Schaffner, Chief Financial Officer, Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Edmund Caulfield, Senior Counsel of the Governor's Authority Unit. Commissioner Robert C. Garofalo participated via teleconference. Commissioner Jerome P. Amedeo was absent.

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

At this time, nominations were opened for the election of a Chairman and Vice Chairman for the period from January 2019 to December 2019.

Chairman Shotmeyer offered a motion to appoint Howard L. Burrell to the position of Chairman for the period from January 2019 to December 2019; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Burrell and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Commissioner Ashkinaze then offered a motion to appoint Charles P. Shotmeyer to the position of Vice Chairman for the period from January 2019 to December 2019; seconded by Commissioner Kuser and unanimously approved with Chairman Shotmeyer, Vice Chairman Burrell and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
APPOINTING A CHAIRMAN AND VICE CHAIRMAN
FOR THE YEAR 2019**

WHEREAS, the North Jersey District Water Supply Commission (the "Commission") is organized and exists pursuant to the provisions of N.J.S.A. 58:5-1 et seq; and

WHEREAS, pursuant to N.J.S.A. 58:5-6, the Commission is authorized to appoint one of its members as Chairman and to appoint such other officers as it may deem necessary to carry out its purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Howard L. Burrell is hereby appointed as Chairman of the Commission and Charles P. Shotmeyer is hereby appointed as Vice Chairman of the Commission; and

BE IT FURTHER RESOLVED that each of the above officers shall hold his office for the year 2019 or until his successor shall have been duly appointed in accordance with the Commission's authorizing legislation.

Commissioner Ashkinaze offered a motion to adopt the resolution appointing a Chairman and Vice Chairman for the year 2019; seconded by Commissioner Kuser and unanimously approved with Chairman Shotmeyer, Vice Chairman Burrell and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

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 Personnel, 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, Kuser and Garofalo voting in the affirmative. The Public Meeting was recessed at 9:16 a.m.

Chairman Burrell reconvened the Public Meeting at 9:50 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of December 19, 2018; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Public Work Session Minutes of December 19, 2018; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for January 2019 in the amount of \$60,560.53; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #2022-10 from Alpine Painting & Sandblasting for Contract #2022 – Task #3-6 Filters, Surface Wash & Pipe Gallery in the amount of \$369,127.25**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(a) for payment.

- b. Invoice #2021-09 from Alpine Painting & Sandblasting for Contract #2021 – Task #1 Washwater Tank Painting & Rehabilitation in the amount of \$75,460.60**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(b) for payment.

- c. Invoice #0943434 from Arcadis US, Inc. for Contract #1095 – Security Project Construction Oversight in the amount of \$2,279.25**

Charles Billings, Director of IT and Edwin Reyes, Project Engineer approved invoice 3(c) for payment.

- d. Invoice #312499 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,416.60**

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

- e. Invoice #2018-27-1 from Paving Materials & Contracting, LLC for Contract #2038 – Site Development for Security Gates in the amount of \$87,521.38**

Edward Newman, Construction Manager and James Stachura, Project Engineer approved invoice 3(e) for payment.

- f. Invoice #21348 from Landscape Materials, Inc. for Contract #1089A – Removal of Residuals in the amount of \$11,790.00**

David Kirkham, Director of Residuals Treatment Operations and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(f) for payment.

- g. Invoice #2005 from All County Irrigation for Contract #2007 – Installment of an Irrigation System in the amount of \$14,136.75**

Robert Barone, Manager of GFM and Robert Malone, Assistant Manager of GFM approved invoice 3(g) for payment.

- h. Invoice #32372, #32373 and #32374 from Lerch, Vinci & Higgins, LLP for the 2017 Audit in the amount of \$45,000.00**

William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.

- i. Invoice #C-1806011 from J. Fletcher Creamer & Son, Inc. for JFC Job #00-2018-150 Jackson Avenue Emergency Aqueduct Repair in the amount of \$12,283.94**

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 #1090 – General Consulting Engineering Services in the amount of \$138,965.46**

Maria Alliegro, Director of Engineering, Michael Dox, Plant Electrical Engineer, Chris Clamser, Project Engineer, Les Malytskyy, Engineering Project Manager and Robert Schultz, Union E&I Technician approved invoice 3(j) for payment.

Vice Chairman Shotmeyer offered a motion to approve invoices 3(a) through 3(j); seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo 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 Ashkinaze offered a motion to adopt the resolution authorizing the online sale of surplus vehicles and equipment; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Resolution – Authorizing Banking Institutions for Calendar Year 2019

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE
NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING BANKING INSTITUTIONS FOR CALENDAR YEAR 2019**

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 maintains both depository and operating accounts with certain banking institutions; and

WHEREAS, the Commission desires to authorize the use of certain banking institutions for calendar year 2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby authorizes and approves of the use of the banking institutions included on the list of New Jersey Governmental Unit Deposit Protection Act (“GUDPA”) approved institutions for operating and depository account purposes for calendar year 2019 and included on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED, the Executive Director is hereby empowered to determine which banking institutions from the attached list are used for depository account and operating account purposes; and

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing banking institutions for calendar year 2019; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Resolution – Authorizing the Emergency Replacement of Sodium Hypochlorite Tanks

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE EMERGENCY REPLACEMENT OF
SODIUM HYPOCHLORITE TANKS**

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 stores its sodium hypochlorite disinfectant in four (4) tanks and, due to the hazardous properties of this water treatment chemical, tests the integrity of the tanks every five (5) years in accordance with New Jersey Department of Environmental Protection (“NJDEP”) standards; and

WHEREAS, as a result of the integrity testing initially performed on two (2) of the fiberglass sodium hypochlorite tanks, it was discovered that the protective resin on the inside of both tanks has significantly degraded and it was anticipated that similar problems may exist on the remaining two (2) sodium hypochlorite tanks, requiring immediate repair or replacement; and

WHEREAS, the Commission staff determined that replacement of four (4) tanks would be more cost effective than repair, and that new tanks made of high-density polyethylene would last longer and provide additional cost savings over the long term; and

WHEREAS, October 24, 2018, the Commission authorized an emergency contract with Ryan Herco Flow Solutions (“Ryan”) to provide and ship four (4) new high-density polyethylene hypochlorite tanks (“HDPE Tanks”), for a total of \$188,000.00 (including installation by a third party); and

WHEREAS, the Commission staff have since determined that Ryan cannot provide the tank design that the Commission requested; and

WHEREAS, pursuant to N.J.S.A. 58:5-20 and Section 1, Subsection I, of the Commission’s Purchasing Policies and Procedures Manual, the Commission may make purchases of materials and services without the necessity of public bidding when it is determined by the Commission’s Executive Director and Chief Financial Officer (“CFO”) that an emergency exists; and

WHEREAS, based upon the recommendation of the Commission’s staff, the Commission’s Executive Director and CFO have determined that the internal damage to the sodium hypochlorite tanks continues to constitute an emergency warranting the immediate replacement of four (4) sodium hypochlorite tanks without the necessity of engaging in public advertisement and bidding; and

WHEREAS, as a result of the foregoing, the Commission staff requested a proposal from Coastal Technical Sales, Inc. (“Coastal”) for replacement of the tanks; and

WHEREAS, Coastal provided a price quote of \$47,040.00 for the provision of each new HDPE Tank, for a total amount not to exceed \$188,160 for all four (4) HDPE Tanks; and

WHEREAS, Coastal also provided that freight charges for four (4) tanks would be an additional \$31,720.00, and installation for four (4) tanks would be an additional \$60,097.14; and

WHEREAS, Commission staff have recommended that the Commission allocate a total amount not to exceed \$302,177.14 for the emergency replacement of four (4) sodium hypochlorite tanks including freight and installation costs and a five-year warranty; and

WHEREAS, the Commission has reviewed Coastal's proposal and the recommendation of its staff and determined that this allocation for the emergency work is reasonable under the circumstances; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for these emergency services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, in accordance with the provisions of N.J.S.A. 58:5-20 and Section I, Subsection I of its Purchasing Policies and Procedures Manual, that the degradation of the sodium hypochlorite tanks constitutes a continuing emergency warranting immediate action and replacement of the tanks with new HDPE Tanks without the necessity of engaging in public advertisement and bidding; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby ratifies the actions of the Executive Director and CFO of the Commission in determining that an emergency continues to exist; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the retention of Coastal to provide four (4) new HDPE Tanks as an emergency, without public bidding, for an amount not to exceed \$302,177.14, including freight and installation costs, and a five-year warranty; 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 authorizing the emergency replacement of sodium hypochlorite tanks; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo 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 \$13,895,778.90; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo 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, Vice Chairman Shotmeyer offered a motion to approve the Wanaque South Operating Account in the amount of \$4,096,125.00; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:55 a.m.; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Garofalo voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary