

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, OCTOBER 23, 2019

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, October 23, 2019 at 9:06 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser, Robert Garofalo and James L. Cassella 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. and Leslie London, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC. Craig Ambrose, Associate Counsel of the Governor's Authorities Unit 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 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 Ashkinaze 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 9:09 a.m.

Chairman Burrell reconvened the Public Meeting at 11:00 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of September 25, 2019; seconded by Commissioner Ashkinaze and approved

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

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of September 25, 2019; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo and Cassella voting in the affirmative. Commissioners Kuser and Garofalo abstained.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for September 2019 in the amount of \$49,100.00 seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

a. Invoice #1083-28 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$519,975.73

Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.

b. Invoice #1096-29 from Stone Hill Construction for Contract #1096 – Clarifier System Rehabilitation in Basin 5 & 6 in the amount of \$19,485.90

Paul Serillo, Director of Facilities and Michael Dox, Engineering Project Manager approved invoice 3(b) for payment.

c. Invoice #1060-27 from Stone Hill Construction for Contract #1060 – Wanaque South Pump Station Upgrades in the amount of \$7,711.50

Maria Alliegro, Director of Engineering and Michael Dox, Plant Electrical Engineer approved invoice 3(c) for payment.

d. Invoice #350374 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,999.08

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

e. Invoice #4674 from Beneficial Soil Solutions, Inc. for Contract #1089B RTF Residual Removal in the amount of \$39,182.00

Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(e) for payment.

f. Invoice #2357 from Pennetta Industrial, LLC for Contract #2049 – Boiler Upgrade Project in the amount of \$238,135.00

Paul Serillo, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(f) for payment.

g. Invoice #20190831-62950-A & #20190831-62951-A from Wilmington Trust – Trustee Fees for Wanaque South Project 2006 Debt Service in the amount of \$4,000.00

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

h. Invoice #89920-X015 from McPhee Electric (formerly JBL) for Contract #1081 – Electrical Contracting Services in the amount of \$6,204.72

Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(h) for payment.

i. Various Invoices from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$41,100.00

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

j. Invoice #37642 from Princeton Hydro LLC for Contract #1097 – Reservoir & Watershed Management Consulting in the amount of \$186.65

Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(j) for payment.

k. Invoice #E6X93300006 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$69,576.34

Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(k) for payment.

l. Various Invoices from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$16,245.84

Maria Alliegro, Director of Engineering, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.

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

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

Resolution – Awarding Contracts #2055, #2056, and #2057 for the Furnishing and Delivery of Various Chemicals for Calendar Years 2020 and 2021

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AWARDING CONTRACTS #2055, #2056 AND #2057 FOR THE FURNISHING
AND DELIVERY OF VARIOUS CHEMICALS
FOR CALENDAR YEARS 2020 AND 2021**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body and 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 need for Potassium Permanganate, Liquid Polymer (Clarifloc C-379) and Liquid Cationic Polymer (Clarifloc C-6215) (the “Various Chemicals”) to be used at the Water Filtration Plant in the treatment and provision of potable water; and

WHEREAS, in accordance with N.J.S.A. 58:5-20, the Commission publicly advertised for bids (the “Bid Documents”) for the furnishing and delivery of the Various Chemicals; and

WHEREAS, in response to the Commission’s advertisement for public bids, bids for the Various Chemicals were received and publicly opened on October 1, 2019 and revealed as follows:

1. Contract #2055 – Potassium Permanganate (“Contract #2055”)
Carus LLC \$3.19/lb
2. Contract #2056 – Liquid Polymer (Clarifloc C-379) (“Contract #2056”)
Polydyne, Inc. \$7.41/gallon
3. Contract #2057 – Liquid Cationic Polymer (Clarifloc C-6215) (“Contract #2057”)
Polydyne, Inc. \$8.43/gallon

WHEREAS, the staff of the Commission has determined that Carus LLC was the sole responsible and complying bidder for the furnishing and delivery of Potassium Permanganate (the “Carus Contract #2055 Bid”) and has recommended that Carus LLC be awarded Contract #2055 in accordance with applicable law; and

WHEREAS, the staff of the Commission has determined that Polydyne, Inc. was the sole responsible and complying bidder for the furnishing and delivery of Liquid Polymer (Clarifloc C-379) (the “Polydyne Contract #2056 Bid”) and has recommended that Polydyne, Inc. be awarded Contract #2056 in accordance with applicable law; and

WHEREAS, the staff of the Commission has determined that Polydyne, Inc. was the sole responsible and complying bidder for the furnishing and delivery of Liquid Cationic Polymer (Clarifloc C-6215) (the “Polydyne Contract #2057 Bid, and together with the Carus Contract #2055 Bid and Polydyne Contract #2056 Bid, the “Contractor Bids”) and has recommended that Polydyne, Inc. be awarded Contract #2057 in accordance with applicable law; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for the aforementioned contracts; and

WHEREAS, the award of the aforementioned contracts is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, that the aforementioned contracts be awarded for initial term of two years for Calendar Years 2020 and 2021, to Carus LLC for Contract #2055 in the amount of Three Dollars and Nineteen Cents per pound (\$3.19/lb), to Polydyne Inc. for Contract #2056 in the amount of Seven Dollars and Forty One Cents per gallon (\$7.41/gallon) and to Polydyne Inc. for Contract #2057 in the amount of Eight Dollars and Forty Three Cents per gallon (\$8.43); and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare contracts for the Various Chemicals, incorporating the Commission's requirements as set forth in the Bid Documents and the terms set forth in the Contractor Bids; and

BE IT FURTHER RESOLVED the Commission reserves the right to renew the contracts, in its sole discretion, for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contracts; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such contracts 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 the bid security of all bidders be returned in accordance with applicable law; 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 awarding Contracts #2055, #2056, and #2057 for the furnishing and delivery of various chemicals for calendar years 2020 and 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing a Temporary Agreement with the Borough of Oakland for Available Water from the Wanaque South Project

Chairman Burrell noted that no one from the Member Municipalities appeared to discuss the proposed resolution at a public hearing for that purpose during the Public Session.

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A TEMPORARY AGREEMENT WITH THE
BOROUGH OF OAKLAND FOR AVAILABLE WATER FROM THE
WANAQUE SOUTH PROJECT**

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, pursuant to the Water Transmission Facilities Act, N.J.S.A. 58:5-33 et seq., the State declared its public policy to foster and promote the treatment, filtration and use of water supplies developed by the State, and granted the Commission powers to enable it, amongst other things, to finance, construct and to place into operation, operate and use facilities deemed necessary and incident to the treatment, filtration, transmission and distribution of potable water from raw water made available by the State to municipalities and persons pursuant to the provisions of the New Jersey Water Supply Law of 1958, N.J.S.A. 58:22-1 et seq.; and

WHEREAS, in 1982, the Commission, in a collaborative effort with United Water New Jersey (now SUEZ Water and hereinafter referred to as "SUEZ"), undertook the financing of an expansion of the Commission's water supply system for the purpose of developing an additional 79 million gallons per day ("MGD") supply of raw water (the "Wanaque South Project"); and

WHEREAS, on or about April 13, 1982, the Commission entered into a certain service contract regarding the provision of water from the Wanaque South Project (the "South Service Contract"), by and between the Commission and the City of Bayonne (now represented by the Bayonne Municipal Utilities Authority), the Township of Bloomfield, the Township of Cedar Grove, the Town of Kearny, the City of

Newark, the Township of Nutley, and the Township of Wayne (collectively, the “Wanaque South Municipalities”), pursuant to which the Commission sets rates with respect to all water it supplies to the Wanaque South Municipalities; and

WHEREAS, pursuant to Article 7, Section 704 of the South Service Contract, the Commission may “enter into an agreement with any municipality” for the sale of excess available water from the Wanaque South Project, provided that the Commission has “obtained sufficient assurance of additional quantities of water from the State”; and

WHEREAS, on or about June 14, 2013, the New Jersey Department of Environmental Protection (“NJDEP”) issued a final determination to the Commission increasing the safe water yield attributable to the Wanaque South Project by 17 million gallons per day, of which half of the allocation, or 8.5 million gallons per day, was provided to the Commission (the “Increase”); and

WHEREAS, on or about November 24, 2013, the Commission notified the Wanaque South Municipalities of the Increase, and inquired as to whether any of the Wanaque South Municipalities were interested in increasing their supply of water from the Commission; and

WHEREAS, in response, the Township of Wayne (“Wayne”) and the Township of Bloomfield (“Bloomfield”) petitioned the Commission to permanently increase their respective supplies – specifically, with Wayne requesting a 0.5 MGD increase and Bloomfield requesting a 0.59 MGD increase (that would subsequently be increased an additional 0.41 MGD through an option for a total increase of 1.0 MGD); and

WHEREAS, these petitions were subsequently approved by resolution of the Board of Commissioners of the Commission on April 22, 2015 for Wayne and on March 22, 2017 for Bloomfield, respectively; and

WHEREAS, subsequent to the petitions of Wayne and Bloomfield, the Township of Montclair (“Montclair”), a non-Wanaque South municipality, petitioned the Commission to temporarily purchase available water from the Wanaque South Project in the amount of 1.0 MGD, which petition was approved by resolution of the Board of Commissioners of the Commission on August 26, 2015; and

WHEREAS, on April 12, 2019, the Borough of Glen Ridge (“Glen Ridge”), another non-Wanaque South municipality, petitioned the Commission to purchase, on a temporary basis, available water from the Wanaque South Project in the amount of .03 MGD, and then revised their requested purchase to .689 MGD for calendar year 2020 followed by an amount for future years sufficient to meet Glen Ridge’s peak demand requirement as calculated during calendar year 2020, which revised petition was approved by resolution of the Board of Commissioners of the Commission on August 28, 2019; and

WHEREAS, as of this date, the Commission still has approximately 5.0 MGD of excess available water remaining for sale; and

WHEREAS, on August 28, 2019, the Borough of Oakland (“Oakland”) applied to the Commission to purchase, on a temporary basis, excess available water from the Wanaque South Project in the amount of .5 MGD; and

WHEREAS, Commission staff, having reviewed the petition by Oakland, recommends entering into a ten (10) year sale agreement with Oakland, with a right to renew the sale agreement for up to three (3) consecutive five-year terms; and

WHEREAS, during the term of the temporary agreement, Oakland will pay the applicable water rate charged to the Wanaque South Municipalities, plus a twenty-five percent (25%) premium, due to the fact that it is neither a Wanaque South Municipality nor a Wanaque North Municipality; and

WHEREAS, this temporary agreement will otherwise be subject to the same terms and conditions applicable to Wanaque South Municipalities as set forth in the South Service Contract; and

WHEREAS, notice regarding this resolution and the proposed terms and conditions herein was provided to the Wanaque South Municipalities on September 10, 2019; and

WHEREAS, no South Municipalities objected to the sale of excess water supply to Oakland from the Wanaque South Project or the proposed terms and conditions associated therewith.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a temporary sale agreement with the Borough of Oakland for excess available water from the Wanaque South Project is hereby authorized; and

BE IT FURTHER RESOLVED, that the excess available water that Oakland is purchasing through the temporary sale agreement is .5 MGD, with the rate to be paid for such water to be annual gross rate of the Wanaque South Project plus a twenty-five percent (25%) premium; and

BE IT FURTHER RESOLVED, that the Executive Director and General Counsel are hereby authorized to prepare the temporary sale agreement as described within this resolution; and

BE IT FURTHER RESOLVED, that the Executive Director and General Counsel are hereby authorized to prepare an amendment to Schedule A of the South Service Contract reflecting the sale of .5 MGD to the Borough of Oakland, and that all other terms and conditions of the South Service Contract shall remain in full force and effect; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the temporary sale agreement and any other documents necessary to effectuate this resolution, 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing a temporary agreement with the Borough of Oakland for available water from the Wanaque South Project; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract to JBL Electric Inc. (D/B/A McPhee Electric) for the Provision of Electrical Contracting Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT TO JBL ELECTRIC INC. (D/B/A MCPHEE ELECTRIC) FOR THE
PROVISION OF ELECTRICAL CONTRACTING 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 a licensed electrical contracting firm experienced in the repair and installation of equipment for large commercial/industrial facilities (the “Electrical Services”); and

WHEREAS, the Commission is empowered by law to appoint and employ professional or technical services 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 August 15, 2019, the Commission publicly advertised a request for proposals and qualification statements for work associated with the Electrical Services in accordance with requirements and specifications set forth therein (“RFP #009-2019”), and subsequently received one proposal (“Proposal”) on or about September 25, 2019 from JBL Electric Inc., doing business as, McPhee Electric (“McPhee Electric”); and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposal and determined that McPhee Electric submitted the sole qualified, responsible, and responsive proposal for the Electrical Services, and has recommended that McPhee Electric be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, the Commission's staff has determined that based on prior years’ experience and needs, McPhee Electric should be awarded a total contract in the not-to-exceed amount of \$400,000.00 for a two-year term, representing \$200,000.00 per year, on a time and materials basis as per the rate sheet in the Proposal; and

WHEREAS, the initial contract term shall be two (2) years, and the Commission may, in its sole discretion, offer up to two (2) additional consecutive, one (1) year terms under the same terms and conditions as the initial contract; and

WHEREAS, the Commission desires to retain the services of McPhee Electric to perform the Electrical Services in accordance with the Commission's requirements as set forth in RFP #009-2019, the Proposal, and any applicable laws, rules or regulations; and

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

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract for Electrical Services be awarded to McPhee Electric as the sole qualified, responsive, and responsible proposal in accordance with the Commission's enabling legislation and applicable State law, for an amount not to exceed \$400,000.00 for a two-year term (\$200,000.00 per year) on a time and materials basis, per the rate sheet provided in the Proposal; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Electrical Services, incorporating the Commission's requirements as set forth in RFP #009-2019, the Proposal, and any applicable law, rule or regulation; and

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

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the award and execution of a contract to JBL Electric Inc. (D/B/A McPhee Electric) for the provision of electrical contracting services; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing a Contract Award to RVH Mulch Supply, LLC for the Management and Removal of the Wanaque Water Treatment Plant Residuals

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A CONTRACT AWARD TO RVH MULCH
SUPPLY, LLC FOR THE MANAGEMENT AND REMOVAL OF THE
WANAQUE WATER TREATMENT PLANT RESIDUALS**

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 determined there was a need to retain qualified vendors to provide services associated with the management and removal of residuals from the Wanaque Water Treatment Plant ("WWTP"), including the trucking and management of the beneficial reuse process (the "Services"); 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 and solicited bids on July 6, 2018 and August 27, 2018, through which process it received bids from Beneficial Soil ("Beneficial") and Landscape Materials Inc. ("LMI"), each of which was reviewed by Commission staff and deemed to be unsatisfactory and unresponsive; and

WHEREAS, pursuant to N.J.S.A. 58:5-20 and Section 1(G) of the Commission's Purchasing Policies and Procedures Manual, the Commission may directly award a contract after the issuance of two solicitations through which no satisfactory responses were received; and

WHEREAS, the Commission has executed contracts with LMI and Beneficial through direct negotiation, which are still existing and current; and

WHEREAS, there is now a need to retain an additional qualified vendor to provide the Services as LMI and Beneficial can only dispose of a certain amount of WWTP residuals pursuant to regulatory requirements imposed by the State of New Jersey's Department of Environmental Protection; and

WHEREAS, the Commission obtained a quote from RVH Mulch Supply, LLC ("RVH") to provide the Services for a price of \$33.00/cubic yard with RVH performing both the loading and trucking, \$30.00/cubic yard with the Commission performing the loading onto RVH trucks, and \$29.00/cubic yard when the Commission delivers to RVH (the "RVH Proposal"); and

WHEREAS, Commission staff have examined the RVH Proposal and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve the RVH Proposal and prepare a contract with RVH for the Services for a two-year term, with the Commission reserving the right at its sole discretion to renew the contract for up to two (2) consecutive, one (1) year extensions under the same terms and conditions; and

WHEREAS, the award of this contract is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that funds are available for the RVH Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that RVH's Proposal to provide the Services for a two-year term, with the Commission reserving the right at its sole discretion to renew the contract for up to two (2) consecutive, one (1) year extensions under the same terms and conditions, is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract with RVH that incorporates the terms of this resolution and the RVH Proposal; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract with RVH, 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing a contract award to RVH Mulch Supply, LLC for the management and removal of the Wanaque Water Treatment Plant residuals; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Wanaque North Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque North Operating Account in the amount of \$3,903,967.81; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #57193.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$643,080.24; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Wanaque 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 Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$431,819.87; 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 11:07 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