

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, NOVEMBER 18, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, November 18, 2020 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Lloyd L. Naideck, Deputy Executive Director, and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser, Robert C. Garofalo and James L. Cassella participated via teleconference. Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Edmund Caulfield, Senior Counsel of the Governor's Authorities Unit also 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 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 Kuser 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 10:20 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of October 28, 2020; 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.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of October 28, 2020; 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.

Commissioner Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for November 2020 in the amount of \$82,308.65; 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 #1083-41 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$313,028.43**
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-04 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$127,466.25**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #405887 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,584.88**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #7 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$1,312.50**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(d) for payment.
- e. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$1,400.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(e) for payment.
- f. **Invoice E6X96100007 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$14,704.57**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$26,415.75**
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(g) for payment.

Commissioner Kuser offered a motion to approve invoices 3(a) through 3(g); 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 First Renewal Option and Extension to Contract #2019 with USIC for Utility Mark Out Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND**

EXTENSION TO CONTRACT #2019 WITH USIC, LLC FOR UTILITY MARK OUT 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 previously determined there was a need to retain a contractor to identify and mark-out Commission owned utilities (the “Services”); and

WHEREAS, the Commission previously publicly advertised and solicited bids for the Services, and on August 9, 2017 received two (2) bids in response to the solicitation; and

WHEREAS, on August 23, 2017, the Commission adopted a resolution awarding USIC, LLC (“USIC”) a contract for the provision of the Services for a three-year contract term, with the option to renew for two additional one year terms and an initial appropriation of \$80,000.00 (“Contract #2019”); and

WHEREAS, on or about September 23, 2020, due to the increase in construction activities within close proximity to Commission pipeline(s) that need utility mark-out services as per state regulatory requirements, the Commission authorized Change Order No. 1 to Contract #2019 which increased the total contract appropriation to a not-to-exceed sum of \$160,000.00, with all other terms and conditions of Contract #2019 remaining the same; and

WHEREAS, the Commission has been satisfied with USIC, and wishes to invoke its first renewal option and one (1) year extension to Contract #2019 for Year 4 under the same terms and conditions; and

WHEREAS, after reviewing past invoices and taking an average cost per year, it is estimated that the not-to-exceed amount of \$60,000.00 shall be sufficient for Year 4 of this Contract; and

WHEREAS, in order to align with the Commission’s budgetary term, the Year 4 extension shall be a 13-month term and run from December 1, 2020 through December 31, 2021; and

WHEREAS, the renewal of Contract #2019 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 the renewal of Contract #2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2019 with USIC is hereby renewed for a term of one (1) year, to December 31, 2021, for an amount not to exceed \$60,000 to provide the Utility Mark Out Services as described in Contract #2019; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare the renewal under the same terms and conditions as Contract #2019; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2019 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 Ashkinaze offered a motion to adopt the resolution authorizing the first renewal option and extension to Contract #2019 with USIC, LLC for utility mark out services; 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 Award and Execution of a Contract for Professional Services for Work Associated with Obtaining a Freshwater Permit Along Commission-Owned Aqueducts

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 FOR PROFESSIONAL ENGINEERING SERVICES FOR WORK
ASSOCIATED WITH OBTAINING A FRESHWATER WETLANDS PERMIT
ALONG COMMISSION AQUEDUCTS**

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 firm specializing in professional engineering services for work associated with obtaining a Freshwater Wetlands General Permit No. 1 along the approximately 40 miles of aqueducts and force mains owned and/or operated by the Commission (the “Engineering 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 August 27, 2020, the Commission publicly advertised a Request for Proposals for the work associated with the Engineering Services in accordance with requirements and specifications set forth therein (“RFP #005-2020”), and subsequently received eight proposals (the “Proposals”) on or about October 14, 2020 from various firms; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposals and determined that Suburban Consulting Engineers, Inc. (“Suburban”), who submitted a proposal to perform the Engineering Services for a not-to-exceed amount of \$188,500.00 (the “Proposal”), submitted the most qualified, responsible, and responsive proposal for the Engineering Services, and has recommended that Suburban be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, the contract term shall be two years from the issuance of the Notice to Proceed or end upon completion of work, whichever is earlier; and

WHEREAS, the Commission desires to retain the services of Suburban to perform the Engineering Services in accordance with the Commission’s requirements as set forth in RFP #005-2020, 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 the Engineering Services be awarded to Suburban as the most qualified, responsive, and responsible proposer in accordance with the Commission’s enabling legislation and applicable State law, for RFP #005-2020, for an amount not to exceed \$188,500.00 and a term not to exceed two years.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Engineering Services, incorporating the Commission’s requirements as set forth in RFP #005-2020, the Proposal and any applicable law, rule or regulation.

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.

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 Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract for professional engineering services for work associated with

obtaining a Freshwater Wetlands Permit along Commission-owned aqueducts; 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 Emergency Work Associated with Leaks at Three Commission Roofs

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EMERGENCY WORK ASSOCIATED WITH
LEAKS AT THREE COMMISSION ROOFS**

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, in June 2013, Contract #1018 was executed with Arch-Concept Construction, Inc., a Carlisle-authorized vendor, to replace six Commission roofs; and

WHEREAS, on April 10, 2020, during routine roof maintenance, Commission staff noticed problems with three of the roofs: the Orechio Administration Building, the Lower Gatehouse, and the High Lift Pumping Station; and

WHEREAS, the roof insulation was saturated with water and the Carlisle Roofing System on all three roofs had become delaminated, causing substantial water leakage at critical infrastructure locations; and

WHEREAS, in accordance with their Warranty requirements, Carlisle was notified of the leaking systems on April 13, 2020, and after much negotiation with Carlisle to honor their 20-year warranty, the Commission accepted Carlisle’s offer to provide certain roofing materials for each of the three roofs; and

WHEREAS, it is now imperative that these roofs be repaired/replaced immediately, as leaks continue during rain events, and the Commission has received quotes from two Carlisle-approved vendors for the work which consists of replacing a 25-foot x 55-foot section of the Orechio Administration Building roof, and removing and replacing the full roofs at the Lower Gatehouse and the High Lift Pumping Station (the “Emergency Services”);

WHEREAS, of the two vendors, Cannella Roofing, Inc. (“Cannella”) provided the lowest quote of \$200,750.00 and is available to perform the Emergency Services in an expeditious manner in accordance with the proposals for each building (each a “Cannella Proposal”, and collectively, the “Cannella Proposals”), attached hereto; and

WHEREAS, pursuant to its enabling legislation, N.J.S.A., 58:5-20, the Commission is entitled to undertake work by its own employees or outside contractors when the safety or protection of its or other public property or the public convenience requires, or the exigency of the situation will not allow for advertisement or public bidding to address any emergency conditions; and

WHEREAS, pursuant to Section I, Subsection I of its 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 Engineering staff, the Commission’s Executive Director and CFO have all determined that the aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

WHEREAS, the Commission finds that the Cannella Proposals are reasonable under the circumstances; and

WHEREAS, the CFO of the Commission has certified that the funds will be available for the Emergency Services; and

WHEREAS, the Commission desires to authorize Cannella to perform the Emergency Services in accordance with the Cannella Proposals.

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 aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding.

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 exists.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the retention of Cannella to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$200,750.00, in accordance with the Cannella Proposals.

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 emergency work associated with leaks at three Commission roofs; 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 Cassella offered a motion to approve the Wanaque North Operating Account in the amount of \$8,141,170.35; 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. Vice Chairman Shotmeyer abstained on check #59714.

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 \$4,169,656.82; 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.

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 \$596,255.17; 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.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 10:29 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