

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, DECEMBER 16, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, December 16, 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 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 9:43 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of November 18, 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 Ashkinaze offered a motion to approve the Public Work Session Minutes of November 18, 2020; 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.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for December 2020 in the amount of \$55,704.01; 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.

UNFINISHED BUSINESS:

None

NEW BUSINESS:**Commission Invoices:**

- a. **Invoice #1083-42 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$247,283.14**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-05 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$342,983.44**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #2058 FINAL from Stone Hill Construction for Contract #2058 – Filter 12 Rehab – Release of Retainage in the amount of \$10,016.60**
Paul Serillo, Director of Facilities and Paul Kearney, Operations Manager approved invoice 3(c) for payment.
- d. **Invoice #409986 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,220.55**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$1,500.00**
Maria Alliegro, Director of Engineering, Michael Dox, Plant Electrical Engineer, James Stachura, Sr. Project Engineer and Chris Clamser, Project Engineer approved invoice 3(e) for payment.
- f. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$46,200.00**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(f) for payment.
- g. **Invoice #91330-1567 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$34,800.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from Wilmington Trust – Trustee Fees for Wanaque South Project in the amount of \$15,500.00**
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Invoice #3262-2 from Vollers Excavating & Construction, Inc. for Contract #2068 – Shooting Range Remediation in the amount of \$896,329.09**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(i) for payment.
- j. **Various Invoices from Lerch, Vinci & Higgins, LLP for 2019 Audit in the amount of \$47,219.79**
William Schaffner, Chief Financial Officer approved invoice 3(j) for payment.

- k. Invoice #2070-1 from C.J. Vanderbeck & Son, Inc. for Contract #2070 – Filter Building Boiler Replacement in the amount of \$90,915.00**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(k) for payment.
- l. Invoice #123515 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$13,740.71**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(l) for payment.
- m. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$74,576.28**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.
- n. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$27,145.00**
Maria Alliegro, Director of Facilities, James Stachura, Project Engineer, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(n) for payment.
- o. Invoice E6X96100008 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$19,657.40**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(o) for payment.
- p. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$11,313.30**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(p) for payment.

Commissioner Ashkinaze offered a motion to approve invoices 3(a) through 3(p); 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 Posting and Publishing of a Notice of Meetings in Accordance with the New Jersey Open Public Meetings Act

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING THE POSTING AND PUBLISHING OF A NOTICE OF MEETINGS IN
ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT**

WHEREAS, pursuant to Public Law 1975, c.231, Open Public Meetings Act, Paragraph 10, Section 13 (the “Act”), the North Jersey District Water Supply Commission (the “Commission”) may adopt and publish an “Annual Notice of Meetings” listing the location and the time and date of the regular meetings of the Commission scheduled during the year; and

WHEREAS, the Commission desires to hereby adopt its Annual Notice of Meetings for the period from January 2021 through December 2021 at which time a new Annual Notice shall be adopted and posted by the Commission in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby adopts the Notice set forth in “Schedule A”, attached hereto, as its Annual Notice of Meetings for the period January 2021 through December 2021 and the Commission’s Secretary is authorized by adoption of this Resolution to post and publish same in accordance with Section 10:4-18 (N.J.S.A. 10:4-18) of the Act.

Commissioner Kuser offered a motion to adopt the resolution authorizing the posting and publishing of a notice of meetings in accordance with the New Jersey 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.

Resolution – Adopting the 2021 Annual Budget for the Wanaque North Project and Authorizing the Executive Director to take all Necessary and Appropriate Steps in Furtherance Thereof

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
ADOPTING THE 2021 ANNUAL BUDGET FOR THE WANAQUE NORTH PROJECT
AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND
APPROPRIATE STEPS IN FURTHERANCE THEREOF**

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 N.J.S.A. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

WHEREAS, in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

WHEREAS, the Commission has developed a Wanaque North Project Annual Budget for the calendar year beginning on January 1, 2021 and ending on December 31, 2021 (the “2021 Annual Budget”), including total appropriations of \$40,678,172.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque North Project during that period; and

WHEREAS, following notice to each of the participants and contracting municipalities, a hearing on the 2020 Annual Budget was duly held on December 1, 2020, in accordance with N.J.S.A. 58:5-40; and

WHEREAS, the Commission desires to approve the 2021 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 16, 2020, as follows:

1. The Commission has duly reviewed and approves the proposed 2021 Annual Budget with a total appropriation of \$40,678,172.00; and
2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2021 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and
3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

Commissioner Ashkinaze offered a motion to adopt the resolution adopting the 2021 annual budget for the Wanaque North Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; 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 – Adopting the 2021 Annual Budget for the Wanaque South Project and Authorizing the Executive Director to take all Necessary and Appropriate Steps in Furtherance Thereof

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
ADOPTING THE 2021 ANNUAL BUDGET FOR THE WANAQUE SOUTH PROJECT
AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND
APPROPRIATE STEPS IN FURTHERANCE THEREOF**

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 N.J.S.A. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

WHEREAS, in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

WHEREAS, the Commission has developed a Wanaque South Project Annual Budget for the calendar year beginning on January 1, 2021 and ending on December 31, 2021 (the “2021 Annual Budget”), including total appropriations of \$19,022,125.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque South Project during that period; and

WHEREAS, following notice to each of the participants and contracting municipalities, a hearing on the 2021 Annual Budget was duly held on December 1, 2020, in accordance with N.J.S.A. 58:5-40; and

WHEREAS, the Commission desires to approve the 2021 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 16, 2020, as follows:

1. The Commission has duly reviewed and approves the proposed 2021 Annual Budget with a total appropriation of \$19,022,125.00; and
2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2021 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and
3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

Commissioner Ashkinaze offered a motion to adopt the resolution adopting the 2021 annual budget for the Wanaque South Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; 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 Cassella offered a motion to adopt the resolution authorizing the online sale of surplus vehicles and equipment; 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 First Renewal Option and One Year Extension to Contract #2042 with McManimon, Scotland & Baumann, LLC for the Provision of General Counsel Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2042 WITH MCMANIMON, SCOTLAND
& BAUMANN, LLC FOR THE PROVISION OF GENERAL COUNSEL
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 the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with general legal matters (the “General Counsel Services”); and

WHEREAS, on or about July 25, 2018 the Commission publicly advertised and issued a request for proposals for the provision of General Counsel Services (RFP #003-2018) and received proposals from interested parties on or before August 30, 2018; and

WHEREAS, the Commission thereafter evaluated the proposals and adopted Resolution #1815 awarding McManimon, Scotland, & Baumann, LLC (“MS&B”) a contract for the provision of General Counsel Services as the most qualified proposer, considering its experience and pricing (“Contract #2042”); and

WHEREAS, on December 19, 2018, the Commission and MS&B executed Contract #2042, wherein the term of Contract #2042 is two (2) years, with the Commission reserving the right to renew Contract #2042 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, the Commission has been satisfied with MS&B General Counsel Services, and wishes to invoke its first renewal option and one (1) year extension to Contract #2042 with a new rate of \$210 for members/partners, \$175 for associates and \$90 for paralegals, but otherwise under the same terms and conditions, while also reserving the right to request the second renewal option for an additional one (1) year term as outlined in the Agreement; and

WHEREAS, the renewal of Contract #2042 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 #2042.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2042 with MS&B is hereby renewed for a term of one (1) year, to December 31, 2021, to provide the General Counsel Services as described in Contract #2042; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare the renewal with the new rate as described herein, but otherwise under the same terms and conditions as Contract #2042; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2042 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 one year extension to Contract #2042 with McManimon, Scotland & Baumann, LLC for the provision of general counsel 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 First Renewal Option and One Year Extension to Contract #2043 with Kaufman, Semeraro & Liebman, LLP for the Provision of Special Real Estate Counsel Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2043 WITH KAUFMAN, SEMERARO &
LEIBMAN, LLP FOR THE PROVISION OF SPECIAL REAL ESTATE
COUNSEL 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 the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with special real estate matters (the “Real Estate Counsel Services”); and

WHEREAS, on or about July 25, 2018 the Commission publicly advertised and issued a request for proposals for the provision of Real Estate Counsel Services (RFP #005-2018) and received proposals from interested parties on or before August 31, 2018; and

WHEREAS, the Commission thereafter evaluated the proposals and adopted Resolution #1816 awarding Kaufman, Semeraro & Leibman, LLP (“KS&L”) a contract for the provision of Real Estate Counsel Services as the most qualified proposer, considering its experience and pricing (“Contract #2043”); and

WHEREAS, on December 19, 2018, the Commission and KS&L executed Contract #2043, wherein the term of Contract #2043 is two (2) years, with the Commission reserving the right to renew Contract #2043 for up to two (2) consecutive, one (1) year terms under the same terms and conditions of the original contract; and

WHEREAS, the Commission has been satisfied with KS&L Real Estate Counsel Services, and wishes to invoke its first renewal option and one (1) year extension to Contract #2043 under the same terms and conditions, while also reserving the right to request the second renewal option for an additional one (1) year term as outlined in the Agreement; and

WHEREAS, the renewal of Contract #2043 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 #2043.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2043 with KS&L is hereby renewed for a term of one (1) year, to December 31, 2021, to provide the Special Real Estate Counsel Services as described in Contract #2043; 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 #2043; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2043 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 one year extension to Contract #2043 with Kaufman, Semeraro & Liebman, LLP for the provision of special real estate counsel services; 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 First Renewal Option and One Year Extension to Contract #2044 with DeCotiis, Fitzpatrick, Cole & Giblin, LLP for the Provision of Special Labor and Employment Counsel Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2044 WITH DECOTIIS, FITZPATRICK,
COLE & GIBLIN, LLP FOR THE PROVISION OF SPECIAL LABOR AND
EMPLOYMENT COUNSEL 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 the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with the Labor and Employment matters (the “Labor Counsel Services”); and

WHEREAS, on or about August 26, 2018 the Commission publicly advertised and issued a request for proposals for the provision of Labor Counsel Services (RFP #008-2018) and received proposals from interested parties on or before August 31, 2018; and

WHEREAS, the Commission thereafter evaluated the proposals and adopted Resolution #1817 awarding DeCotiis, FitzPatrick, Cole & Giblin, LLP (“DFC&G”) a contract for the provision of Labor Counsel Services as the most qualified proposer, considering its experience and pricing (“Contract #2044”); and

WHEREAS, on December 19, 2018, the Commission and DFC&G executed Contract #2044, wherein the term of Contract #2044 is two (2) years, with the Commission reserving the right to renew Contract #2044 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, the Commission has been satisfied with DFC&G’s Labor Counsel Services, and wishes to invoke its first renewal option and one (1) year extension to Contract #2044 under the same terms and conditions, while also reserving the right to request the second renewal option for an additional one (1) year term as outlined in the Agreement; and

WHEREAS, the renewal of Contract #2044 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 #2044.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2044 with DFC&G is hereby renewed for a term of one (1) year, to December 31, 2021, to provide the Labor Counsel Services as described in Contract #2044; 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 #2044; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2044 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 one year extension to Contract #2044 with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the provision of special labor and employment counsel services; seconded by Commissioner Garofalo and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

Resolution – Authorizing the Execution of a Conservation Partnership Agreement with the Land Conservancy of New Jersey for the Acquisition of Lot 6, Block 100 in the Borough of Ringwood

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING THE EXECUTION OF A CONSERVATION PARTNERSHIP AGREEMENT
WITH THE LAND CONSERVANCY OF NEW JERSEY FOR THE ACQUISITION OF LOT 6,
BLOCK 100 IN THE BOROUGH OF RINGWOOD**

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 Land Conservancy of New Jersey (the “Conservancy”) is a non-profit corporation of the State of New Jersey; and

WHEREAS, the Commission and Conservancy (collectively the “Parties”) desire to enter into a Partnership and Conservation Agreement (the “Agreement”), attached hereto in substantially final form, in order to begin the due diligence and eventual acquisition of a tract of land identified on the Tax Map of the Borough of Ringwood as Lot 6, Block 100 which comprises a total of 2.56 acres (hereinafter the “Property”);

WHEREAS, on or about August 12, 2020, the current owner of the Property, Sharon Herzog, submitted an NJDEP Freshwater Wetlands (“FWW”) Individual Permit (“IP”) application to build one residential house on the Property pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-9); and

WHEREAS, pursuant to the Freshwater Wetlands Protection Act Rules, the property owner is first required to offer the property for sale to public and/or private conservation organizations and adjacent property owners at fair market value, as determined by a fair market value analysis; and

WHEREAS, the Commission and the Conservancy acknowledge that the conservation of the Property is necessary and desirable given that more than 2.56 acres of the property lies adjacent to land held by the Commission as part of the Wanaque Reservoir; and

WHEREAS, the Parties acknowledge that the acquisition and conservation of the Property will conserve the woodlands, and provide an undeveloped buffer for the reservoir in protection of water quality and;

WHEREAS, the Commission has agreed to become the final owner of the Property and will be responsible for the management and maintenance of same, and has agreed to retain the Property in its natural state; and

WHEREAS, the purchase price for the Property will not exceed the appraisal value, as determined by an appraiser mutually hired by the Commission and Conservancy, nor will it exceed the seller’s asking price of \$81,500 (the “Purchase Price”);

WHEREAS, the Commission agrees to contribute 50% of the Purchase Price and due diligence costs required to acquire the property, which includes the cost of an appraisal, title search and commitment, preliminary assessment report and a survey (“Due Diligence Costs”), as further set forth in the draft Agreement; and

WHEREAS, the Due Diligence Costs shall not exceed \$15,000; and

WHEREAS, the Conservancy agrees to contribute 50% of the Purchase Price and Due Diligence Costs through funding made available through the New Jersey Green Acres Program, as further set forth in the draft Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall enter into the Agreement with the Conservancy, whereby if the due diligence is satisfied, the Commission may proceed to prepare for the acquisition of the Property; and

BE IT FUTHER RESOLVED, that the Purchase Price and Due Diligence Costs shall not exceed those set forth herein; and

BE IT FURTHER RESOLVED, that the final Deed and Purchase and Sale Agreement shall be presented to the Board of Commissioners for approval; and

BE IT FUTHER RESOLVED, that the Chairman or Vice Chairman of the Commission are hereby authorized to execute the Agreement and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman at such time as the terms of the Agreement are finalized, as confirmed by the Commission’s General Counsel; and

BE IT FURTHER RESOLVED that a copy of this resolution and the Agreement 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 execution of a Conservation Partnership Agreement with the Land Conservancy of New Jersey for the acquisition of Lot 6, Block 100 in the Borough of Ringwood; 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 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 \$4,327,903.90; 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. Vice Chairman Shotmeyer abstained on check #59914.

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 \$651,576.68; 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 Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$587,855.39; 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.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:53 a.m.; 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.

Respectfully submitted,

Kim Diamond
Commission Secretary