

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, MARCH 24, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, March 24, 2021 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 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. Commissioner Robert C. Garofalo was absent.

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

Pursuant to the requirements of N.J.S.A. 10:4-6, et seq., Commission Secretary Kim Diamond acknowledged compliance with the statute. Commission Secretary Diamond advised that the provisions of the Open Public Meetings Act have been complied with as to the posting of notice in a public place reserved for such announcement and transmittal to the mass media for publication.

Commission Secretary Kim Diamond read the following resolution:

***WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and*

***WHEREAS**, the public body is of the opinion that such circumstances recently exist.*

***NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the North Jersey District Water Supply Commission of the State of New Jersey as follows:*

- 1. The public shall be excluded from discussions of the hereinafter-specified subject matters; the general natures of the subject matters to be discussed are Pending Litigation and Contracts;*
- 2. It is anticipated at this time that the above stated subject matters will be ratified during the Public Meeting to follow or as soon thereafter as the reason for discussing the matters in the Executive Conference no longer exists.*
- 3. This Resolution shall take effect immediately.*

Commissioner Kuser offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, and Cassella voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:30 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of February 24, 2021; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Cassella voting in the affirmative. Commissioner Amedeo abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of February 24, 2021; seconded by Commissioner Ashkinaze and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser and Cassella voting in the affirmative. Commissioner Amedeo abstained.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for March 2021 in the amount of \$70,748.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution – Approving the Reallocation of Capital Budget Appropriations

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT
WATER SUPPLY COMMISSION APPROVING THE
REALLOCATION OF CAPITAL BUDGET APPROPRIATIONS**

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 recently examined its Capital Budget Appropriations in order to address immediate funding concerns, and determined that there are capital projects with excess funds, and capital projects which are currently underfunded; and

WHEREAS, the Commission has determined that it is necessary to reallocate funds in the Capital Budget Appropriations in order to address the immediate funding concerns; and

WHEREAS, the Commission’s staff has prepared a Capital Budget Reallocation List which would transfer the balances from capital projects with excess funds to capital projects that are currently underfunded, and the Commission desires to approve said Capital Budget Reallocation List.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Capital Budget Reallocation List prepared by and on behalf of the Commission, a copy of which is attached hereto as Exhibit A, is hereby approved; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to implement the transfer of funds as indicated on the Capital Budget Reallocation List; 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 approving the reallocation of capital budget appropriations; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the First Renewal Option and One Year Extension to Contract #2050 with Lerch, Vinci & Higgins, LLP for Work Associated with the Audit of Annual Financial Statements

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2050 WITH LERCH, VINCI & HIGGINS,
LLP FOR WORK ASSOCIATED WITH THE AUDIT OF ANNUAL FINANCIAL
STATEMENTS**

WHEREAS, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (the “Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities, and

WHEREAS, the Commission has determined that it is necessary to retain the services of a firm with expertise in auditing services, including, but not limited to, preparing an audit of the Commission’s annual financial statements for each of its projects (the “Auditing 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 March 8, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for work associated with the Auditing Services in accordance with requirements and specifications set forth therein, and subsequently received proposals from interested firms; and

WHEREAS, by Resolution No. 1858 dated May 22, 2019, the Commission authorized the award of a contract (“Contract #2050”) for Auditing Services to Lerch, Vinci & Higgins, LLP (“Lerch”) for a two (2) year term, in the not-to-exceed contract amount of \$92,000.00 for a two-year term, representing \$46,000.00 per year, reserving the right, in the Commission’s sole discretion, to extend the contract for up to two (2) additional, consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, the Commission has been satisfied with Lerch’s services, and wishes to invoke its first renewal option and one (1) year extension to Contract #2050, for fiscal year ended December 31, 2020, under the same terms and conditions, in the contract amount not-to-exceed \$46,000.00; and

WHEREAS, the renewal of Contract #2050 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 #2050.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2050 with Lerch is hereby renewed for a term of one (1) year, for fiscal year ended December 31, 2020, to provide the Services as described in Contract #2050, in the contract amount not-to-exceed \$46,000.00; 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 #2050; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2050 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 Kuser offered a motion to adopt the resolution authorizing the first renewal option and one year extension to Contract #2050 with Lerch, Vinci & Higgins, LLP for work associated with the audit of financial statements; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with Convergent Technologies, LLC for the Provision of Security System Support to Commission-Owned Facilities

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 WITH CONVERGINT TECHNOLOGIES, LLC FOR THE PROVISION OF SECURITY SYSTEM SUPPORT TO COMMISSION-OWNED FACILITIES

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 had previously determined that there was a need to retain a firm specializing in security systems to provide enhanced security systems at Commission owned facilities (the “Security Services”); and

WHEREAS, the Commission publicly advertised a request for qualifications and proposals for the Security Services, and received proposals from interested parties; and

WHEREAS, on or about May 25, 2016, the Commission adopted a resolution awarding Total Recall (“Total Recall”) a contract for the provision of the Security Services (“**Contract #1094**”); and

WHEREAS, Total Recall completed the Security Services through installation of a complex security system (the “Security System”) throughout Commission owned facilities, and thereafter issued a limited warranty as part of Contract #1094; and

WHEREAS, as of April 1, 2021, the Commission’s warranty period for the Security System under Contract #1094 will expire; and

WHEREAS, due to the size and complexity of the Security System, the Commission must retain a firm capable of providing a suitable warranty and support services (the “Support Services”); and

WHEREAS, Convergent Technologies, LLC. (“Convergent”) (the parent company of Total Recall) designed, built and programmed the Security System to the Commission’s customized needs and has supported the Security System for years as well as made additional customizations to each component making it unique to the Commission owned facilities;

WHEREAS, due to the aforementioned reasons, Convergent is the only reasonable and feasible choice to provide the Commission the Support Services;

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, pursuant to the attached memorandum, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission has determined that Convergent constitutes a sole source provider of the Support Services; and

WHEREAS, Convergent submitted proposal on or about January 22, 2021, for a five (5) year term in the amounts not-to-exceed \$95,280.00 (Year #1); \$97,185.00 (Year #2), \$99,128.00 (Year #3), 101,111.00 (Year #4) and \$103,133.00 (Year #5), with yearly pricing subject to change based on any new equipment added (the “Proposal”); and

WHEREAS, the Commission staff have determined that Convergent’s proposal constitutes the sole and most qualified and responsible proposal in accordance with the Commission’s procurement manual, enabling legislation and applicable State law and desires to retain Convergent to perform the Support Services in accordance with the Proposal; 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 be awarded to Convergent as the sole and most qualified and responsible proposer in accordance with the Commission’s procurement manual, enabling legislation and applicable State law, for a five (5) year term in the amounts not-to-exceed \$95,280.00

(Year #1); \$97,185.00 (Year #2), \$99,128.00 (Year #3), 101,111.00 (Year #4) and \$103,133.00 (Year #5), with yearly pricing subject to change based on any new equipment added; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the performance of Support Services, incorporating the Commission's requirements and the Proposal submitted by Convergent; 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the award and execution of a contract with Convergent Technologies, LLC for the provision of security system support to Commission-owned facilities; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2076 with C. Dougherty & Co. Inc. for Work Associated with the Low Lift Pump Station VFD Cooling Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2076 WITH C. DOUGHERTY & CO. INC. FOR
WORK ASSOCIATED WITH THE LOW LIFT PUMP STATION
VFD COOLING 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, the Commission has determined that it is necessary to retain the services of a contractor with expertise in heating and cooling and ventilation systems, electrical systems, and construction relevant to industrial buildings (the "Services"); 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 February 2, 2021, the Commission publicly advertised a Bid Specification for Contract #2076 ("Contract #2076") for work associated with the Low Lift Pump Station VFD Cooling Project in accordance with requirements and specifications set forth therein, and subsequently received one bid proposal (the "**Proposal**") on or about March 4, 2021 from C. Dougherty & Co. Inc. ("Dougherty"); and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Bid and determined that Dougherty, who submitted a bid to perform the Services for a not-to-exceed amount of \$187,000.00 (the "Bid"), submitted the lowest conforming bid for the Services, and has recommended that Dougherty be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, the Commission desires to retain the services of Dougherty to perform the Services in accordance with the Commission's requirements as set forth in Contract #2076, the Bid, 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 Contract #2076 for the work associated with the Low Lift Pump Station VFD Cooling Project be awarded to Dougherty as the sole and lowest conforming bidder in accordance with the Commission’s enabling legislation and applicable State law, for an amount not to exceed \$187,000.00.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Services, incorporating the Commission’s requirements as set forth in Contract #2076, the Bid 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 Contract #2076 with C. Dougherty & Co. Inc. for work associated with the Low Lift Pump Station VFD cooling project; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Approving Change Order No. 1 to Contract #2054R with Stone Hill Contracting Company, Inc. for the Filter Building Ventilation Project

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT #2054R WITH STONE HILL CONTRACTING COMPANY, INC. FOR THE FILTER BUILDING VENTILATION 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, the Commission previously determined there was a need to retain a qualified vendor to provide construction services associated with the Filter Building Ventilation Project (the “Project”); and

WHEREAS, the Commission has been empowered pursuant to its enabling legislation — specifically N.J.S.A. 58:5-20 — to solicit proposals in writing and award contracts after public advertisement; and

WHEREAS, the Commission previously twice publicly advertised and solicited bids for Contract #2054R (“Contract #2054R”), but was required to reject the bids both times for either substantially exceeding the engineer’s estimate and/or containing material defect(s); 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 performance of two solicitations at which no responses were received; and

WHEREAS, on or about April 22, 2020, after negotiation with various vendors, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. (“SHC”) a contract for the provision of work associated with the Project; and

WHEREAS, on or about May 19, 2020, the Commission and SHC executed Contract #2054R for an amount not to exceed \$915,118.00; and

WHEREAS, at the request of the Commission, SHC submitted Change Order No. 1 to Contract #2054R to 1) modify RTU ductwork & use galvanized hanger rods for SAU distribution header; 2) add motor starters for the Exhaust Fans and 3) provide credit for removing insulation on Exhaust Fan inlet hood, bringing the total net change order required to the not-to-exceed amount of \$20,108.64 (“Change Order No. 1”), all as further set forth in the attached; and

WHEREAS, as part of Change Order #1, SHC is requesting that the start date associated with the release of Retainage, as stipulated in Article XIV of Contract #2054R, be modified to be six (6) months from the “Beneficial Use” date, which is defined as the date the equipment was turned over to the Commission for care & custody, and normal operation, and is January 11, 2021, rather than the “Final Acceptance” date; and

WHEREAS, Commission staff have examined SHC’s requested Change Order No. 1 to Contract #2054R, including the request to modify the date for the release of Retainage, and since January 11, 2021, Commission staff have been operating the equipment without issue, and

WHEREAS, the Commission has determined that the services, fees and contract modification set forth in Change Order No. 1 are reasonable, necessary and appropriate, and has recommended that the Commission approve Change Order No. 1 to Contract #2054R; and

WHEREAS, the approval of this Change Order No. 1 to Contract #2054R is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 1 to Contract #2054R.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2054R with SHC, to provide the services described in this resolution in the not-to-exceed total amount of \$20,108.64, and to modify the Retainage provision in Contract #2054R as described herein, is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2054R in the amount of \$20,108.64, with the appropriate modifications to the Retainage provision in Contract #2054R, in accordance with SHC’s proposal, with all other terms and conditions of Contract #2054R, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2054R 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 Change Order No. 1 to Contract #254R with Stone Hill Contracting Company, Inc. for the filter building ventilation project; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Emergency Work Associated with Stone Hill Contracting Associated with Media Removal at Filter 1

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EMERGENCY WORK WITH STONE HILL
CONTRACTING ASSOCIATED WITH MEDIAL REMOVAL AT FILTER 1**

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, Filter 1 recently experienced a sudden loss of sand and anthracite that had impacts throughout the treatment plant and upon discovery of the issue by Commission staff, it was immediately taken out of service; and

WHEREAS, the Commission’s filters are critical to the supply of safe drinking water and the loss of a single filter reduces the Commission’s safe yield and ability to treat water, placing additional stress on the remaining filters; and

WHEREAS, it was determined that the tile underdrain had been damaged and that addressing filter underdrain damage requires the removal of all filter media and gravel from the north bay of the filter so that the underdrain may be fully inspected to determine the overall underdrain condition and root cause

of the underdrain tile failure (the “**Emergency Services**”); 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 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 invited a quote for the Emergency Services from Stone Hill Contracting (“SHC”), who has prior experience with the Commission’s filters; and

WHEREAS, SHC submitted a proposal to perform the Emergency Services, attached hereto, in the amount not to exceed \$80,389.00 (the “Proposal”); and

WHEREAS, the Commission finds that SHC is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services and that its rates and proposal are reasonable under the circumstances; and

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

WHEREAS, the Commission desires to authorize SHC to perform the Emergency Services in accordance with its proposal.

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 and ratifies the retention of SHC to undertake the Emergency Services in an emergent fashion, without public bidding, in an amount not to exceed \$80,389.00, in accordance with its proposal.

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 with Stone Hill Contracting associated with media removal in filter 1; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Amendment No. 1 to Contract #2071 with French & Parrello Associates for Consulting Engineering Services for Work Associated with Commission-Owned Dams: Formal Inspection/Dive Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT #2071
WITH FRENCH & PARRELLO ASSOCIATES FOR CONSULTING
ENGINEERING SERVICES FOR WORK ASSOCIATED WITH COMMISSION-
OWNED DAMS: FORMAL INSPECTION/DIVE 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 firm specializing in consulting engineering services for work associated with Commission-owned Dams: Formal Inspection/Dive Services (the “Engineering Services”); and

WHEREAS, on or about June 9, 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 #004-2020”), and subsequently received seven proposals (the “Proposals”) on or about August 4, 2020 from various firms; and

WHEREAS, on or about August 26, 2020, the Commission adopted Resolution #1938 awarding French & Parrello Associates (“French & Parrello”) a contract for the provision of the Engineering Services (“Contract #2071”); and

WHEREAS, the Commission believes it is necessary to increase the budget of Contract #2071 by a total of \$13,950.00 from \$97,620.00 to \$111,570.00, to modify 1.) Task 2 of Contract #2071 to add services required to recover a gate retriever within the Raymond Dam Upper Gate House, and 2.) Task 4 to add an amount not to exceed \$10,000.00 for “on-call” services relevant to Contract #2071, which line item was part of the original contract but previously not allocated a dollar amount (“Amendment No. 1”); and

WHEREAS, the Commission staff have examined Amendment No. 1 to Contract #2071 and have determined that the terms set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 1 to Contract #2071; and

WHEREAS, the award of this Amendment No. 1 to Contract #2071 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 #2071.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No.1 to Contract #2071 with French & Parrello adding \$13,950.00 to Contract #2071 is hereby approved, bringing the total not-to-exceed amount for Contract #2071 to \$111,570.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 1 to Contract #2071, with all other terms and conditions of Contract #2071, to remain unchanged; and

BE IT FURTHER RESOLVED that the Executive Director of the Commission is hereby authorized to execute Amendment No.1 to Contract #2071, and the Secretary of the Commission is authorized to attest to the signature of the Executive Director; and

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing Amendment No. 1 to Contract #2071 with French & Parrello Associates for consulting engineering services for work associated with Commission-owned dams: formal inspection/dive services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Change Order No. 1 to Contract #2068 with Vollers Excavating and Construction, Inc. for the Shooting Range Remediation Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT #2068 WITH VOLLERS
EXCAVATING AND CONSTRUCTION, INC. FOR THE SHOOTING RANGE
REMEDIAION 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, the Commission previously determined that it is necessary to retain the services of a firm specializing in environmental site remediation (the “Remediation 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 November 5, 2019, the Commission publicly advertised a Request for Proposals for the work associated with the Shooting Range Remediation Project in accordance with requirements and specifications set forth therein, and subsequently received one proposal on or about April 2, 2020 from Vollers Excavating and Construction, Inc. (“Vollers”); and

WHEREAS, on or about May 27, 2020, the Commission adopted a resolution awarding Vollers a contract for the provision of work associated with the Remediation Services for a base contract amount not to exceed \$1,533,327.59, with a \$100,000 allowance for Additional Line Items I, II, III, should any of those items be needed, resulting in a total not to exceed amount of \$1,633,327.59 (“Contract #2068”); and

WHEREAS, during the remediation, it was determined that the quantities for Hazardous and Non-Hazardous Soils exceeded the estimates in the original contract and that sampling of grids designated as hot spots revealed deeper contamination, necessitating further excavation and soil removal and consequently, additional backfill and topsoil; and

WHEREAS, as a result of the aforementioned, the quantities of four line items in Contract #2068 increased by \$251,955.82, however, since three line items were not fully utilized, a credit of \$32,270.10 was applied, bringing the total net additional amount required to \$219,685.72, as further set forth in the attached change order (“Change Order No. 1”); and

WHEREAS, Commission staff have examined Vollers’s requested Change Order No. 1 to Contract #2068 and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 1 to Contract #2068; and

WHEREAS, the award of this Change Order No. 1 to Contract #2068 is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 1 to Contract #2068.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 in the amount of \$219,685.72 to Contract #2068 with Vollers is hereby approved, increasing the base contract amount of Contract #2068 to be the not to exceed amount of \$1,753,013.31.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2068 in the amount of \$219,685.72 in accordance with Vollers’s proposal, with all other terms and conditions of Contract #2068, as amended, to remain unchanged.

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2068 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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 Change Order No. 1 to Contract #2068 with Vollers Excavating and Construction, Inc. for the shooting range remediation project; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with PFM Asset Management LLC for Work Associated with Financial Advisory and Cash Management 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 WITH PFM ASSEST MANAGEMENT LLC FOR WORK ASSOCIATED WITH FINANCIAL ADVISORY AND CASH MANAGEMENT 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 qualified financial advisory firm to provide financial advice with respect to the development and implementation of a comprehensive financial advisory and cash management services (the “Advisory 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 February 3, 2021, the Commission publicly advertised a Request for Proposals and Qualification Statements for work associated with Advisory Services in accordance with requirements and specifications set forth therein (“RFP #001-2021”), and subsequently received two proposals from interested firms on or about February 25, 2021; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the proposals and determined that the proposal (the “Proposal”) from PFM Asset Management LLC (“PFM”) for the provision of the Advisory Services, was the most qualified proposer, considering its experience and pricing, the latter which is:

Average Assets Under Management	Fee
First \$25 million	10 basis points (0.10%)
Next \$25 million	8 basis points (0.08%)
Over \$50 million	7 Basis points (0.07%)

with a minimum annual fee of \$25,000.00, to be applied in equal monthly installments; and

WHEREAS, the Commission desires to retain the services of PFM to perform the Advisory Services in accordance with the Commission's requirements as set forth in RFP #001-2021, the Proposal, and any applicable laws, rules or regulations, for an initial two (2) year term, with the Commission reserving the right to renew the contract for up to two (2) additional one (1) terms under the same terms and conditions, and has recommended that PFM be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; 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 Advisory Services be awarded to PFM as the most qualified, responsive, and responsible proposal, utilizing the pricing structure as set forth herein, with an annual minimum fee of \$25,000.00, for an initial term of two (2) years, with the Commission reserving the right to renew Contract for up to two (2) additional one (1) terms under the same terms and conditions; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Advisory Services, incorporating the Commission's requirements as set forth in RFP #001-2021, 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 Kuser offered a motion to adopt the resolution authorizing the award and execution of a contract with PFM Asset Management LLC for work associated with financial advisory and cash management services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Commission Invoices:

- a. **Invoice #1083-45 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$206,883.54**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-08 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$25,053.83**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #423214 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$2,102.18**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #45918 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$6,600.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(d) for payment.
- e. **Invoice #46083 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$7,551.12**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #11 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$1,400.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(f) for payment.
- g. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$4,768.75**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$81,295.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(h) for payment.
- i. **Invoice #124716 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$12,626.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Invoice #3262-3 from Vollers Excavating & Construction, Inc. for Contract #2068 – Shooting Range Remediation in the amount of \$396,127.84**

Maria Alliegro, Director of Engineering and Les Malytsky, Engineering Project Manager approved invoice 3(j) for payment.

- k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$8,480.00**
Maria Alliegro, Director of Facilities, Chris Clamser, Project Engineer and Les Malytsky, Engineering Project Manager approved invoice 3(k) for payment.
- l. Invoice #90881527 from U.S. Department of the Interior – United States Geological Survey Agreement #20LJJFA28 in the amount of \$179,730.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(l) for payment.

Vice Chairman Shotmeyer 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 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 Kuser offered a motion to approve the Wanaque North Operating Account in the amount of \$9,654,878.74; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained on check #60573.

Wanaque South 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 Operating Account in the amount of \$1,681,083.23; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser 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 \$400,683.57; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:43 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary