

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, NOVEMBER 17, 2021

The monthly Public Meeting of the Commission was called to order by Vice Chairman Charles P. Shotmeyer on Wednesday, November 17, 2021 at 9:03 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Executive Director, Lloyd L. Naideck, Deputy Executive Director and William Schaffner, Chief Financial Officer. 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 Jamera Sirmans, Associate Counsel of the Governor's Authority also participated via teleconference. Chairman Howard L. Burrell and Commissioner Robert C. Garofalo were 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 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 Amedeo and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. The Public Meeting was recessed at 9:06 a.m.

Chairman Burrell reconvened the Public Meeting at 9:48 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of October 27, 2021; seconded by Commissioner Ashkinaze and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of October 27, 2021; seconded by Commissioner Cassella and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for November 2021 in the amount of \$294,394.00; seconded by Commissioner Ashkinaze and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-53 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$205,507.60**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #1096-31 from Stone Hill Construction for Contract #1096 – Clarifier System Rehabilitation in Basin 5 & 6 in the amount of \$98,163.13**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(b) for payment.
- c. **Invoice #2054R-10 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$46,761.33**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #49609 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$993.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$22,605.00**
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(e) for payment.
- f. **Invoice #SMA-M0921-26525 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,031.45**
Michael Broncatello, Comptroller approved invoice 3(f) for payment.
- g. **Invoice #18 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$700.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(g) for payment.
- h. **Invoice #47972 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$47,025.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(h) for payment.
- i. **Invoice #128767 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$7,093.59**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Various Invoices from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services in the amount of \$64,011.50**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(j) for payment.

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

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 Ashkinaze offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; 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 #2061 with Jacobs Engineering Group, Inc. for General Consulting Engineering 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 #2061 WITH JACOBS ENGINEERING
GROUP, INC. FOR GENERAL CONSULTING ENGINEERING 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 previously determined there was a need to retain a firm specializing in engineering services to provide general consulting engineering services for the Commission on multiple projects (the “General Consulting Engineering Services”); and

WHEREAS, the Commission has been empowered by law to appoint and employ professionals, technical advisors and experts as the Commission may determine may be necessary for its efficient operation;

WHEREAS, on or about July 16, 2019, the Commission publicly advertised a request for qualifications and proposals for the General Consulting Engineering Services, and received proposals from interested parties; and

WHEREAS, by Resolution No. 1889 dated November 20, 2019, the Commission authorized the award of a contract (“Contract #2061”) for General Consulting Engineering Services to Jacobs Engineering Group, Inc. (“Jacobs”) for a two (2) year term, 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 General Consulting Engineering Services are performed from year-to-year, with the Commission funding Contract #2061 through the Commission’s Engineering Operating budget, with a not-to-exceed amount of \$250,000 per year; and

WHEREAS, additional work relating to compliance with the America’s Water Infrastructure Act of 2018/Risk and Resilience Assessment and related certification to get United States Environmental Protection Agency (“USEPA”) required an additional budget of \$50,000 for Contract Year 1 (2020); and

WHEREAS, on July 22, 2020, the Commission authorized Amendment No. 1 to Contract #2061, which increased the not-to-exceed amount for Contract Year 1 (2020) to be \$300,000.00; and

WHEREAS, for Contract Year 2 (2021), as it became necessary for Jacobs to provide additional engineering services on certain items, the Commission staff recommended issuing a contract amendment in the amount of \$150,000, increasing the not-to-exceed amount of Contract #2061 from \$250,000 to \$400,000 for Contract Year 2 (2021) (“Amendment No. 2”) so that Jacobs may continue to provide engineering services through the end of 2021, which was approved on August 25, 2021, via Resolution No. 2002; and

WHEREAS, the Commission has been satisfied with Jacobs, and wishes to invoke its first renewal option and one (1) year extension to Contract #2061 for Year 3 (2022) (“Extension No.1”) under the same terms and conditions as the original contract; and

WHEREAS, the renewal of Contract #2061 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 #2061.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2061 with Jacobs is hereby renewed for a term of one (1) year, to December 31, 2022, to provide the General Consulting Engineering Services as described in Contract #2061, for an amount not to exceed \$250,000.00; 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 #2061; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2061 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 #2061 with Jacobs Engineering Group, Inc. for general consulting engineering services; seconded by Commissioner Cassella and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Second Renewal Option and Extension to Contract #2019 with USIC, LLC for Utility Mark-Out Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE SECOND 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, on November 18, 2020, the Commission adopted Resolution No. #1955 authorizing a one-year extension of Contract #2019 for Year 4 with an additional not-to-exceed amount of \$60,000.00, and a 13-month term running from December 1, 2020 through December 31, 2021, under the same terms and conditions as outlined in Contract #2019, and reserving the right to extend the contract for a second renewal under the same terms and conditions; and

WHEREAS, the Commission has been satisfied with USIC, and wishes to invoke its second renewal option and one (1) year extension to Contract #2019 for Year 5 under the same terms and conditions and with the billing rates for Year 5; and

WHEREAS, after reviewing past invoices and taking an average cost per year, it is estimated that the not-to-exceed amount of \$70,000.00 shall be sufficient for Year 5 of the Contract; and

WHEREAS, Year 5 of the Contract shall run from January 1, 2022 through December 31, 2022; 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, 2022, for an amount not to exceed \$70,000.00 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, with billing rates for Year 5; 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 second renewal option and extension to Contract #2019 with USIC, LLC for utility mark-out services; seconded by Commissioner Cassella and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Change Order No. 4 to Contract #1083 with Stone Hill Contracting Company, Inc. for Residual Treatment Facility Upgrades for the Lagoon Decant Tower Discharge Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO. 4 TO CONTRACT
#1083 WITH STONE HILL CONTRACTING COMPANY, INC. FOR RESIDUAL
TREATMENT FACILITY UPGRADES FOR THE LAGOON DECANT TOWER
DISCHARGE 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 previously determined there was a need to retain a team of qualified environmental firms to provide the design and construction (“Design-Build Services”) of a lagoon decant treatment technology to ensure Commission compliance with the requirements of the Administrative Consent Order (“ACO”) with the New Jersey Department of Environmental Protection (“NJDEP”) concerning the lagoon decant discharge to surface waters; and

WHEREAS, this project is funded through the New Jersey Infrastructure Bank, formerly NJEIT (“NJIB”); and

WHEREAS, the Commission has previously publicly advertised a request for qualifications and proposals for Design-Build Services, and received proposals from interested parties; and

WHEREAS, on or about December 23, 2015, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. (“Stone Hill”), in conjunction with H2M Architects and Engineers, and Kleinfelder, Inc., (collectively, the “Stone Hill Design Team”) a contract for the provision of Design-Build Services (“Contract #1083”); and

WHEREAS, the original contract amount for Design-Build Services was an amount not to exceed \$4,100,000.00, but after a comprehensive study performed by the Stone Hill Design Team it was found that recycling the lagoon decant discharge to the head of the plant was not a viable option due to high levels of total and dissolved organic carbon (TOCs and DOCs) resulting in part from an antiquated residual treatment facility (“RTF”); and

WHEREAS, the Stone Hill Design Team then evaluated seventeen different technologies to find a viable alternative for meeting the ACO requirements, eventually proposing a solution centered on electrocoagulation for \$18,700,000.00; and

WHEREAS, at the request of the Commission, the Commission’s General Engineering Consultant, Jacobs Engineering (“Jacobs”), submitted a Basis of Design Report presenting an alternate concept that focused on rehabilitating the RTF rather than treating the current state of the decant discharge as the Stone Hill Design Team proposed; and

WHEREAS, on or about February 27, 2019 the Commission authorized a change order to Contract #1083, which incorporated Jacobs’ Basis of Design Report and a scope of work including the RTF rehabilitation, a temporary treatment system while the RTF is off-line, upgrade of the lagoon decant tower, and cleaning of the lagoon, which taking into consideration the remaining contract balance amounted to \$22,488,642.00 (“Change Order No. 1”); and

WHEREAS, to meet the requirements of the ACO with NJDEP, Change Order No.1 was executed with a substantial completion deadline of May 1, 2020; and

WHEREAS, since then, Stone Hill has been working diligently to meet the May 1, 2020 substantial completion deadline, and had been keeping the project on target, however, the recent Covid-19 pandemic and related state restrictions have had a critical effect on the schedule stemming from a depleted workforce including union labor, permit review delays and equipment manufacturing and delivery setbacks; and

WHEREAS, due to the encountered delays, on or about May 27, 2019, the Commission adopted Resolution 1921 authorizing Change Order #2 to allow a new substantial completion deadline of August 31, 2020, which was to be followed by a three-month period of equipment and process optimization, and continued sludge operation with the temporary Belt Filter Presses, for a Final Completion date of November 30, 2020 (“Change Order #2”); and

WHEREAS, due to Covid-19 pandemic related delays, on or about October 28, 2020, the Commission adopted Resolution 1952 authorizing Change Order #3 to allow a new substantial completion deadline of November 30, 2021 (“Change Order #3”); and

WHEREAS, Stone Hill has indicated that pandemic related delays have continued through the year, and additional delays have been encountered during a long review process for the HVAC upgrades as well as

weather related delays, and therefore is seeking a new Final Completion date of November 30, 2022 (“Change Order #4”); and

WHEREAS, the new deadline set forth in Change Order #4 is contingent upon review and acceptance by the NJIB; and

WHEREAS, Commission staff have examined Change Order #4 and have determined that the extension requested therein is reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 4 to Contract #1083; and

WHEREAS, the award of this Change Order No. 4 to Contract #1083 is necessary for the efficient operation of the Commission; and

WHEREAS, no additional funds are required for this Change Order No. 4 to Contract #1083.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 4 to Contract #1083 with Stone Hill is hereby approved.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 4 to Contract #1083, extending certain deadlines as set forth herein, with all other terms and conditions of Contract #1083 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. 4 to Contract #1083 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. 4 to Contract #1083 with Stone Hill Contracting Company, Inc. for residual treatment facility upgrades for the lagoon decant tower discharge project; seconded by Commissioner Cassella and unanimously approved with 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 Cassella offered a motion to approve the Wanaque North Operating Account in the amount of \$10,079,223.14; seconded by Commissioner Ashkinaze and unanimously approved with Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #62109.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$4,050,378.53; seconded by Commissioner Kuser and unanimously approved with 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 Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$471,025.06; seconded by Commissioner Ashkinaze and unanimously approved with 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 9:55 a.m.; seconded by Commissioner Cassella and unanimously approved

PUBLIC COMMISSION MEETING

NOVEMBER 17, 2021

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

Respectfully submitted,

Kim Diamond
Commission Secretary