

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, MARCH 23, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, March 23, 2022 at 9:00 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer and Kim Diamond, Commission Secretary. 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. Francine C. McManimon, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Janice Venables, Associate Counsel of the Governor's Authority 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 Garofalo 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 9:03 a.m.

Chairman Burrell reconvened the Public Meeting at 9:24 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of February 23, 2022; 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 Ashkinaze offered a motion to approve the Public Work Session Minutes of February 23, 2022; 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 Kuser offered a motion to approve the Purchase Requisitions over \$5000 Report for March 2022 in the amount of \$126,690.67; 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.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:****Commission Invoices:**

- a. **Invoice #493841 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$2,830.48**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(a) for payment.
- b. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$50,325.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(b) for payment.
- c. **Invoice #51373 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$3,539.50**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #SMA-M1021-27070 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,104.25**  
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(d) for payment.
- e. **Invoice E6X94200028 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$2,000.88**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(e) for payment.
- f. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$7,112.50**  
Maria Alliegro, Director of Facilities, Paul Serillo, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.

Vice Chairman Shotmeyer offered a motion to approve invoices 3(a) through 3(f); 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 Disposition of Obsolete Equipment Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF  
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
AUTHORIZING DISPOSITION OF OBSOLETE EQUIPMENT**

**WHEREAS**, the North Jersey District Water Supply Commission (hereinafter “Commission”) is organized and exists pursuant to the provisions of N.J.S.A. 58:5-1 et seq., and constitutes a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Commission Staff has identified certain equipment which is no longer necessary for the safe and efficient operation of the Commission and has been determined to be of no monetary value; and

**WHEREAS**, the Commission desires to dispose of such equipment as permitted by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby declares the equipment listed on Exhibit A to have no value and directs the Executive Director to dispose of all such equipment in the most economical fashion he deems appropriate, but in conformance to the greatest extent practicable with Treasury Circular 13-18-DPP.

Commissioner Garofalo offered a motion to adopt the resolution authorizing disposition of obsolete equipment 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 a Sole Source Contract Award to Mid-Atlantic Rescue Systems, Inc. for the Purchase of an R One Series Rescue Boat**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT AWARD TO  
MID-ATLANTIC RESCUE SYSTEMS, INC. FOR THE PURCHASE OF A R ONE  
SERIES RESCUE BOAT**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the existing vessel utilized by the Security and Safety Department of the Commission (the “Vessel”) was damaged during a recent patrol; and

**WHEREAS**, the cost of repairs to the Vessel exceed the current value of the Vessel; and

**WHEREAS**, replacement of the Vessel is essential to the operations of the Commission including water rescues; and

**WHEREAS**, to replace the Vessel, the Commission has determined to acquire the R One Series Rescue Boat (“R Boat”) from Mid-Atlantic Rescue Systems, Inc. (“MRS”) (the “Service”) which is uniquely designed for a variety of operations as needed by the Commission (the “Design Features”), including:

1. A flat bottom hull, so it does not sit low in the water (6”) making it less likely to hit rocks or ground below the waterline;
2. The construction and floating make it less prone to tipping allowing up to 5 people to stand on one edge which is helpful when recovering someone in the water;
3. Design facilitates interconnection with other vessels;
4. The two (2) storage compartments can be removed and used as floatation devices if needed;
5. Vessel size of 16 feet long by 6 feet wide accommodates expedited launches in various areas of the reservoir;
6. Optional platform which can be lowered into the water beneficial for any dive operation for either a rescue or maintenance/repair; and

**WHEREAS**, the Design Features are unique to the R Boat and the R Boat has essential interoperability with other vessels used by local agencies during emergency operations; and

**WHEREAS**, the interconnection between the R Boat and other local vessels facilitates the formation of one large, stable, platform on the water from which rescue operations may be executed; and

**WHEREAS**, the Commission will utilize a motor from a current vessel for the R Boat; and

**WHEREAS**, the cost of the Service is \$25,609.45 including delivery on its trailer; and

**WHEREAS**, as a result of the foregoing and pursuant to the recommendation memorandum from the Commission staff, and Section 1(G) of the Commission's Purchasing Policies and Procedures Manual, the Commission has determined that One Boat constitutes a sole source provider of the Service; and

**WHEREAS**, the award of this contract is necessary for the Commission's efficient water treatment and delivery 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 MRS for the acquisition of the R Boat to replace the Vessel for a total contract amount of \$25,609.45, which includes delivery on its trailer; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the performance of the Services; 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 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 a sole source contract award to Mid-Atlantic Rescue Systems, Inc. for the purchase of an R One Series Rescue Boat; 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 Execution of an Amended and Restated 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 AN AMENDED AND RESTATED 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 (together the "Parties") desire to acquire a tract of land which is identified on the Tax Map of the Borough of Ringwood, New Jersey as Lot 6 in Block 100, which comprises a total of 2.56 acres, (the "Property"); and

**WHEREAS**, on or about August 12, 2020, the current owner of the Property, Sharon Herzog, submitted a New Jersey Department of Environmental Protection ("NJDEP") Freshwater Wetlands Individual Permit application to build one residential house on the Property pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-9) (the "Rules"); and

**WHEREAS**, pursuant to the 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 Parties acknowledge that the conservation of the Property is necessary and desirable given that 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 wetlands, 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**, on December 16, 2020, the Parties executed a Conservation Partnership Agreement as authorized by Resolution No. 1965, in order to begin the due diligence and eventual acquisition of the Property (the “Original Agreement”); and

**WHEREAS**, the Parties have determined to revise the Original Agreement incorporating revised terms in accordance with NJDEP Green Acres Program (“Green Acres”) requirements (the “Agreement”); and

**WHEREAS**, the NJDEP Certified Market Value (“CMV”) of the Property is \$20,000.00 as set forth in the Agreement; and

**WHEREAS**, in accordance with the Green Acres regulations, Green Acres will provide a grant to the Conservancy in the amount of 50% of the CMV for the acquisition of the Property (the “Green Acres Grant”); and

**WHEREAS**, the Parties have negotiated a purchase price of \$30,000.00 for the Property (the “Contract Price”); and

**WHEREAS**, the Commission agrees to contribute \$20,000 of the Contract Price and 50% of the 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 Agreement; and

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

**WHEREAS**, the Conservancy agrees to contribute \$10,000 of the Contract Price and 50% of the Due Diligence Costs through funding made available through the New Jersey Green Acres Program, as further set forth in the 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 FURTHER RESOLVED**, that the Contract 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 FURTHER RESOLVED**, that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the Agreement, substantially in the form attached hereto as Exhibit A, 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 an amended and restated 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 Ashkinaze 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 #2067 with Go Organic Lawn & Tree Care for Work Associated with Vegetation Management**

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 #2067 WITH GO ORGANIC LAWN &  
TREE CARE FOR WORK ASSOCIATED WITH VEGETATION  
MANAGEMENT**

**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 vegetation management services to provide vegetation management services for Commission (the “Vegetation Management 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**, on or about February 11, 2020, the Commission publicly advertised a Request for Proposals #003-2020 for the work associated with the Vegetation Management Services in accordance with requirements and specifications set forth therein, and subsequently received two proposals (the “Proposals”) on or about March 5, 2020 from various firms; and

**WHEREAS**, the Commission thereafter evaluated the Proposals and adopted Resolution #1915 on March 25, 2020 awarding Go Organic Lawn & Tree Care (“Go Organic”) a contract for the provision of Vegetation Management Services as the most qualified proposer, considering its experience and pricing (“Contract #2067”); and

**WHEREAS**, on April 9, 2020, the Commission and Go Organic executed Contract #2067, wherein the term of Contract #2067 is two (2) years, with the Commission reserving the right to renew Contract #2067 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 Go Organic, and wishes to invoke its first renewal option for a one (1) year extension to Contract #2067 under the same terms and conditions in the original contract; and

**WHEREAS**, the renewal of Contract #2067 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 #2067.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2067 with Go Organic is hereby renewed for a term of one (1) year, to April 9, 2023, to provide the Vegetation Management Services as described in Contract #2067; 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 #2067; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2067 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 Garofalo offered a motion to adopt the resolution authorizing the first renewal option and one year extension to Contract #2067 with Go Organic Lawn & Tree Care for work associated with vegetation management; 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 Second 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 SECOND 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**, 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 previously determined there was a need 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**, on or about March 8, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for the 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**, on or about March 24, 2021, the Commission adopted Resolution #1979, authorizing a one-year extension to Contract #2050 with Lerch under the same terms and conditions as outlined in Contract #2050, 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 Lerch’s services, and wishes to invoke its second renewal option for a one (1) year extension to Contract #2050, for fiscal year ended December 31, 2021, 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, to provide the Auditing Services as described in Contract #2050 for fiscal year ended December 31, 2021, 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 Cassella offered a motion to adopt the resolution authorizing the second renewal option and one year extension to Contract #2050 with Lerch, Vinci & Higgins, LLP for work associated with the audit of annual financial statements; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing a First Addendum to a Lease Agreement Between the North Jersey District Water Supply Commission and Multicultural Radio Broadcasting, Inc.**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A FIRST ADDENDUM TO A LEASE  
AGREEMENT BETWEEN THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AND MULTICULTURAL RADIO BROADCASTING, INC.**

**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 is the owner of certain real property consisting of approximately forty-four thousands (.044) of an acre located in the City of Clifton, Passaic County, New Jersey west of Broad Street and adjacent to the premises now occupied by the operator of the radio station formerly known as WPAT (the “Property”); and

**WHEREAS**, the Commission and Multicultural Radio Broadcasting, Inc. have determined to amend the Lease by entering into a first addendum thereto (the “First Addendum”), which will modify the respective rights and obligations of the Parties with respect to a) the Lease Term and b) the Rent paid thereunder, but will otherwise not affect the rights and obligations of the Parties as to the balance of the Lease which, except as modified by the First Addendum, shall remain in full force and effect; and

**WHEREAS**, the First Addendum shall effectuate the following changes to the Lease:

**Term.** “The initial renewal term of the Lease, pursuant to this First Amendment, will be three (3) years from its current May 2022 expiration date under the Lease (said initial renewal term to therefore expire in May 2025), with an additional seven (7) consecutive options to renew for additional renewal terms, on the same terms and conditions and for those same time periods as set forth in the Lease (each option to renew shall be for a term of three (3) years each).

**Rent.** “The Base Annual Rent (“Base Annual Rent”) for the first year of the initial renewal term under the First Amendment (and for each remaining year of the said initial renewal term), will be \$30,600.00, representing a 15% increase over the 2021 Base Annual Rent under the Lease. At the beginning of each of the seven (7) subsequent renewal terms hereunder, and continuing for each year of each respective renewal term, the Base Annual Rent shall be adjusted and increased by the greater of (a) fifteen percent (15%); or, (b) the aggregate rate of inflation tied to the Consumer Price Index for either the initial renewal term hereunder, or the prior renewal term, as the case may be. The Lessee shall pay the Base Annual Rent to the Lessor on a monthly basis in twelve (12) monthly installment, each due on the first day of the month in advance; and

**WHEREAS**, in order to effectuate the foregoing, the Commission is desirous of amending the Lease all as set forth in the First Addendum, which has been approved as to form by General Counsel.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that the First Addendum to the Lease be and the same is hereby approved by the Board, and Commission personnel are authorized and directed to effectuate the implementation of the First Addendum to the Lease, including the execution of all documents reasonably necessary (including the First Addendum) to achieve that end; 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 a first addendum to a lease agreement between the North Jersey District Water Supply Commission and Multicultural Radio Broadcasting, Inc.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Wanaque North Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Vice Chairman Shotmeyer offered a motion to approve the Wanaque North Operating Account in the amount of \$8,418,568.95; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Wanaque South 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 \$2,640,258.97; 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 Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$394,064.54; 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 9:36 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