

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, MARCH 22, 2017

The monthly Public Meeting of the Commission was called to order by Chairman Charles P. Shotmeyer on Wednesday, March 22, 2017 at 9:08 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser, Howard L. Burrell and Robert C. Garofalo were recorded present. Also present were Todd R. Caliguire, Executive Director; Joseph E. Stroin, Jr., Chief Operating Officer; William Schaffner, Chief Financial Officer, John Wyciskala, Esq., Commission Counsel from the law firm of Inglesino, Webster, Wyciskala & Taylor, LLC and Mary Maples, Associate Counsel of the Governor's Authorities Unit. Vice Chairman Carmen A. Orechio was absent.

Chairman Shotmeyer 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 in the affidavit attached to and made a part of these minutes. Commission Secretary Kim 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 Personnel, 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 Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative. The Public Meeting was recessed at 9:10 a.m.

Chairman Shotmeyer reconvened the Public Meeting at 11:14 a.m.

### PUBLIC COMMISSION BUSINESS

#### **ACTION REQUIRED:**

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of February 22, 2017; seconded by Commissioner Garofalo and unanimously

approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of February 22, 2017; seconded by Commissioner Garofalo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for March 2017 in the amount of \$66,367.00 seconded by Commissioner Garofalo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**Commission Invoices:**

**a. Invoice #1060-16 from Stone Hill Construction for Contract #1060 – Wanaque South Pump Station Upgrades in the amount of \$719,091.19**

Michael Dox, Plant Electrical Engineer and Edwin Reyes, Project Engineer approved invoice 3(a) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$719,091.19 to Stone Hill Construction; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**b. Invoice #1083-12 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$82,518.09**

Maria Alliegro, Director of Engineering and Ron Farr, Project Manager approved invoice 3(b) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$82,518.09 to Stone Hill Construction; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**c. Invoice #IV00246263 from Hatch Mott MacDonald for Contract #1085 – WSPS Construction Administration in the amount of \$2,470.00**

Michael Dox, Plant Electrical Engineer and Edwin Reyes, Project Engineer approved invoice 3(c) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$2,470.00 to Hatch Mott MacDonald; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**d. Invoice #20185 from Landscape Materials, Inc. for Contract #1089A – Removal of Residuals in the amount of \$15,456.00**

David Kirkham, Director of Residuals Treatment Operations and Douglas Delorie, Manager approved invoice 3(d) for payment.

Commissioner Burrell offered a motion to approve payment in the amount of \$15,456.00 to Landscape Materials, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**e. Invoice #221418 from Premier Utility Services for Contract #1013 – Underground Locating in the amount of \$502.40**

Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$502.40 to Premiere Utility Services; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**f. Invoice #0732694 from GZA Environmental, Inc. for Contract #1057 – Formal Dam Inspections in the amount of \$27,850.00**

Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(f) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$27,850.00 to GZA Environmental, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**g. Invoice #2045 from Public Strategies Impact LLC – Community/Media Relations Consulting in the amount of \$4,250.00**

Todd Caliguire, Executive Director approved invoice 3(g) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$4,250.00 to Public Strategies Impact LLC.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**h. Invoice #19744 from Intercounty Paving Associates, LLC for Contract #1063 – Paving/Resurfacing Raymond Dam, Centrifuge & Carter Hill Road – Release of Retainage in the amount of \$10,042.85**

Maria Alliegro, Director of Engineering, James Stachura, Project Engineer and Edward Newman, Construction Manager approved invoice 3(h) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$10,042.85 to Intercounty Paving Associates, LLC; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**i. Invoice #331294 from Tectonic Engineering and Surveying for Contract #2000 – Land Surveying Services in the amount of \$28,873.89**

Maria Alliegro, Director of Engineering and Ron Farr, Project Manager approved invoice 3(i) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$28,873.89 to Tectonic Engineering and Surveying; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**j. Invoice #210431 from Acrison, Inc. for Contract #2001 – Provision of PAC Storage and Feeding System in the amount of \$208,490.40**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(j) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$208,490.40 to Acrison, Inc; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**k. Invoice #1065-02 from Arch-Concept Construction, Inc. for Contract #1065 – Replace Roof at Heardworks & Chemical Lime Passage – Release of Retainage in the amount of \$4,470.00**

Maria Alliegro, Director of Engineering, James Stachura, Project Engineer and Edward Newman, Construction Manager approved invoice 3(k) for payment.

Vice Chairman Orechio offered a motion to approve payment in the amount of \$4,470.00 to Arch-Concept Construction, Inc.; seconded by Commissioner Burrell and

unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**l. Invoice #WBXB2200-003-PN-08 Task #999 (combined) from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$6,407.34**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(l) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$6,407.34 to Jacobs Engineering Group, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**m. Invoice #WBXB2200-003-PN-08 Task #016 from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$9,132.50**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(m) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$9,132.50 to Jacobs Engineering Group, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**n. Invoice #WBXB2200-003-PN-08 Task #003 from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$2,031.00**

Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(n) for payment.

Commissioner Kuser offered a motion to approve payment in the amount of \$2,031.00 to Jacobs Engineering Group, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Approving the Reallocation of the Capital Budget Reserve**

Commission Secretary Kim Diamond read the following resolution:

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

**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 Reserve 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 Reserve 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 the Capital Budget Reserve; seconded by Commissioner Garofalo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Amending Schedule A of the South Service Contract and Authorizing a Permanent Increase to the Proprietary Allotment of the Township of Bloomfield**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE  
NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AMENDING  
SCHEDULE A OF THE SOUTH SERVICE CONTRACT AND  
AUTHORIZING A PERMANENT INCREASE TO THE PROPRIETARY  
ALLOTMENT OF THE TOWNSHIP OF BLOOMFIELD**

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

**WHEREAS**, pursuant to the Water Transmission Facilities Act, N.J.S.A. 58:5-33 et seq., the State of New Jersey (the “State”) declared its public policy to foster and promote the treatment, filtration and use of water supplies developed by the State, and granted the Commission powers to enable it, amongst other things, to finance, construct and to place into operation, operate and use facilities deemed necessary for and incident to the treatment, filtration, transmission and distribution of potable water from raw water made available by the State to municipalities and persons pursuant to the provisions of the New Jersey Water Supply Law of 1958, N.J.S.A. 58:22-1 et seq.; and

**WHEREAS**, in 1982, the Commission, in a collaborative effort with United Water New Jersey (now SUEZ Water and hereinafter referred to as “SUEZ”), undertook the financing of an expansion of the Commission’s water supply system for the purpose of developing an additional 79 million gallons per day (“MGD”) supply of raw water (the “Wanaque South Project”); and

**WHEREAS**, pursuant to that certain agreement dated December 16, 1981 (the “Co-Tenancy Agreement”), by and between the Commission and Hackensack Water Company (now SUEZ), half the ownership interest in a portion of the Wanaque South Project is owned by SUEZ, and the remaining ownership interest in the Wanaque South Project and the raw water yield is owned by the Commission; and

**WHEREAS**, on or about April 13, 1982, the Commission entered into that certain service contract regarding the provision of water from the Wanaque South Project (the “South Service Contract”), by and between the Commission and the City of Bayonne (now represented by the Bayonne Municipal Utilities Authority), the Township of Bloomfield, the Township of Cedar Grove, the Town of Kearny, the City of Newark, the Township of Nutley, and the Township of Wayne (collectively, the “South Municipalities” or “Contracting Municipalities” with respect to the Wanaque South Project, and individually, each a “South Municipality”), pursuant to which the Commission sets rates with respect to all water it supplies to the South Municipalities from the Wanaque South Project, and has in place rules governing the sale of excess Available Water to South Municipalities, amongst other things; and

**WHEREAS**, pursuant to the terms and provisions of the South Service Contract, each South Municipality agreed to accept and pay for a certain amount of water to be supplied from the Wanaque South Project and the treatment, filtration, transmission and distribution thereof, including all operating expenses and capital costs necessary thereto, with each South Municipality’s respective allotment of water being set forth in Schedule A annexed to the South Service Contract (“Proprietary Allotment”); and

**WHEREAS**, pursuant to Article 7, § 703 of the South Service Contract, any South Municipality may increase its original Proprietary Allotment of water upon such terms as the Commission and such South Municipality deem appropriate, provided that the Commission has by grant and/or contract obtained sufficient assurance of additional quantities of water (“Available Water”) from the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, in 2011, the Commission and SUEZ filed a joint action challenging the NJDEP’s determination of the safe yield of the Wanaque South Project, which the NJDEP had previously determined to be 79 MGD; and

**WHEREAS**, on June 14, 2013, the NJDEP issued a final determination to the Commission and SUEZ increasing the safe yield attributable to the Wanaque South Project by 17 MGD, to 96 MGD; and

**WHEREAS**, as co-owner of a portion of the Wanaque South Project, the Commission is entitled to half of the increase in the safe yield of the Wanaque South Project, or 8.5 MGD, for the benefit of the South Municipalities, while SUEZ is entitled to the other 8.5 MGD; and

**WHEREAS**, the Commission subsequently notified its South Municipalities of said increase in the safe yield of the Wanaque South Project, and inquired whether any South Municipality desired to increase its respective Proprietary Allotment; and

**WHEREAS**, in response to this inquiry, the Township of Bloomfield (“Bloomfield”) petitioned the Commission to permanently increase its Proprietary Allotment by 0.59 MGD, with the option of further increasing its Proprietary Allotment by an additional 0.41 MGD within two (2) years of the date of adoption of a resolution approving same; and

**WHEREAS**, by Resolution dated April 22, 2015 (the “Resolution”), the Commission authorized a permanent increase to Bloomfield’s Proprietary Allotment from the Wanaque South Project by 0.59 MGD to a total amount of 3.34 MGD, with an option to permanently increase its Proprietary Allotment by an additional 0.41 MGD to a total amount of 3.75 MGD, should Bloomfield properly petition the Commission for such increase to its Proprietary Allotment within two (2) years of the date of adoption of said Resolution; and

**WHEREAS**, pursuant to the Resolution, the Commission held 0.41 MGD of Available Water in reserve for the aforementioned purposes; and

**WHEREAS**, Bloomfield now desires to exercise its option and has properly petitioned the Commission to permanently increase its Proprietary Allotment by an additional 0.41 MGD within two years of adoption of the Resolution; and

**WHEREAS**, the Commission has sufficient quantities of excess Available Water to approve Bloomfield’s petition and thereby permanently increase its Proprietary Allotment by an additional 0.41 MGD; and

**WHEREAS**, the Commission has determined that it is appropriate to assess charges to Bloomfield for its increased Proprietary Allotment of water at the same rate it currently charges all South Municipalities—subject to the Commission’s annual budget calculation and concomitant annual water rate determination—and subject to the same terms and conditions already set forth in the South Service Contract; and

**WHEREAS**, the Commission has determined that the increase to Bloomfield’s Proprietary Allotment is both appropriate and integral to the Commission’s fulfillment of its public trust mission and in keeping with its obligations to all South Municipalities; and

**WHEREAS**, the Commission has determined that the increase to Bloomfield’s Proprietary Allotment will not negatively affect any other South Municipality’s supply of water from the Commission, but will in fact decrease each South Municipality’s proportionate share of the costs attributable to the Wanaque South Project; and

**WHEREAS**, in accordance with Article 10, § 1004 (1)-(2) of the South Service Contract,

the Commission previously notified its South Municipalities of its intention to authorize the initial increase and the additional increase to Bloomfield’s Proprietary Allotment for a total increase of 1.0 MGD and invited all South Municipalities to attend the meeting and provide comments and/or testimony with respect to this subject matter; and

**WHEREAS**, notice regarding the Resolution was provided to the South Municipalities on March 13, 2017; and

**WHEREAS**, no South Municipalities objected to the proposed increases to Bloomfield’s Proprietary Allotment from the Wanaque South Project or the terms and conditions associated therewith.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Proprietary Allotment of the Township of Bloomfield from the Wanaque South Project, be and is hereby increased by an additional 0.41 MGD to a total amount of 3.75 MGD; and

**BE IT FURTHER RESOLVED** that the Commission will assess charges to the Township of Bloomfield for its increased Proprietary Allotment from the Wanaque South Project at the same rate it currently charges all South Municipalities—subject to the Commission’s annual budget calculation and concomitant annual water rate determination—and subject to the same terms and conditions already set forth in the South Service Contract; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare an amendment to Schedule A of the South Service Contract reflecting the additional 0.41 MGD increase to the Township of Bloomfield’s Proprietary Allotment, for a total Proprietary Allotment of 3.75 MGD from the Wanaque South Project, and that all other terms and conditions of the South Service Contract shall remain in full force and effect; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the North Jersey District Water Supply Commission is hereby authorized to execute said amendment to Schedule A of the South Service Contract, reflecting the additional 0.41 MGD increase to the Township of Bloomfield’s Proprietary Allotment, for a total Proprietary Allotment of 3.75 MGD from the Wanaque South Project, 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 Ashkinaze offered a motion to adopt the resolution amending Schedule A of the South Service Contract and a authorizing a permanent increase to the proprietary allotment of the Township of Bloomfield; seconded by Commissioner Garofalo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Authorizing the Execution of an Easement Agreement with Haskell Property Condominium Association, Inc.**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT WITH HASKELL PROPERTY CONDOMINIUM ASSOCIATION, 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 in fee simple of certain property designated as Block 430, Lot 15 on the official tax map of the Borough of Wanaque, County of Passaic, New Jersey (the “Property”); and

**WHEREAS**, the Haskell Property Condominium Association, Inc. (the “Association”) has requested that the Commission grant a perpetual easement, subject to cancellation for non-payment of fees, over portions of the Property to serve as part of a paved parking area for a residential building; and

**WHEREAS**, the Commission is willing to grant such an easement over portions of the Property, subject to certain reasonable conditions set forth in an easement agreement, including payment by the Association of \$2,000.00 per annum during the first five (5) years of the easement, subject to adjustment by the increase in the Consumer Price Index every five (5) years thereafter.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall enter into an easement agreement with the Association over portions of the Property to permit the use of the Property as part of a paved parking area for a residential building, subject to certain reasonable conditions set forth in an easement agreement, including payment by the Association of \$2,000.00 per annum during the first five (5) years of the easement, subject to adjustment by the increase in the Consumer Price Index every five (5) years thereafter; and

**BE IT FURTHER RESOLVED**, that the grant of rights pursuant to the easement shall be limited and restricted to those uses set forth in the easement agreement; and

**BE IT FURTHER RESOLVED** that the General Counsel to the Commission is authorized to prepare and negotiate the terms of the easement agreement with the Association subject to the above described conditions; and

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

**BE IT FURTHER RESOLVED** that a copy of this resolution and the easement agreement 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 execution of an easement agreement with Haskell Property Condominium Association, Inc.; seconded by Commissioner Burrell and approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Authorizing a Sole Source Contract Award for the Purchase of Sondes-Water Quality Monitoring Equipment**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT  
AWARD FOR THE PURCHASE OF SONDES-WATER QUALITY  
MONITORING EQUIPMENT**

**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 presently utilizes certain water quality monitoring equipment, known as “sondes”, which track and record water quality data in the Wanaque Reservoir, including water temperature, levels of dissolved oxygen, pH, blue green algae and chlorophyll A in the water supply; and

**WHEREAS**, the Commission has attempted to repair the existing sondes, and has been advised that due to age, repair support can no longer be provided; and

**WHEREAS**, the Commission needs to purchase two (2) new sondes for the stated purpose; and

**WHEREAS**, the Commission is in receipt of a proposal from YSI Inc. (“YSI”), which manufactures sondes, for the sale of two (2) new sondes and associated equipment in the amount of \$43,089.00; and



**WHEREAS**, Commission staff has advised the Commission that the YSI sonde is the only sonde that is suitable for the Commission’s intended purpose, and compatible with the Commission’s existing vertical profiler and operating system; and

**WHEREAS**, Commission staff has also confirmed that YSI is the manufacturer and sole distributor of the sonde and does not sell this equipment through outside distributors; and

**WHEREAS**, as a result of the foregoing, the Commission has determined that YSI constitutes a sole source provider of the sonde; and

**WHEREAS**, the Commission desires to purchase the sondes described herein from YSI; 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 YSI for the purchase of two (2) sondes and associated equipment at a cost of \$43,089.00; 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 a sole source contract award for the purchase of sondes-water quality equipment; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Authorizing the Execution of a Mutual Release Agreement with Grinnell Concrete Products, Inc.**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE EXECUTION OF  
A MUTUAL RELEASE AGREEMENT WITH  
GRINNELL CONCRETE PRODUCTS, 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**, on or about September 24, 2014, the Commission executed a contract (“Contract #1043B”) with Grinnell Enterprises, Inc. (now known as Grinnell Concrete Products, Inc., and referred to herein as “Grinnell”) for the management and removal of wastewater treatment residuals generated by the Commission’s treatment plant in exchange for a per cubic yard fee; and

**WHEREAS**, the Commission disputes Grinnell’s entitlement to payment for certain invoices under Contract #1043B, including the following: (i) Invoice #83116 for \$13,807.40; (ii) Invoice #90616 for \$12,081.48; (iii) Invoice #90716 for \$13,807.40; and (iv) Invoice #90816 for \$13,807.40 (collectively, the “Invoices”); and

**WHEREAS**, the parties desire to resolve any and all claims for payment under the Invoices so as to avoid the costs and uncertain outcomes of litigation and have agreed to mutually release each other from said claims without payment of any amounts claimed to be due under the Invoices or any fees or costs by either party; and

**WHEREAS**, the parties desire to memorialize the terms and conditions of said agreement in a mutual release (the “Release”).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall execute the Release resolving

any and all claims under the Invoices, without payment of any amounts claimed to be due under the Invoices or any fees or costs by either party; and

**BE IT FURTHER RESOLVED**, that General Counsel to the Commission is authorized to prepare the Release; and

**BE IT FURTHER RESOLVED**, that the Chairman or Vice Chairman of the Commission are hereby authorized to execute the Release 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 Release are finalized, as confirmed by the Commission’s General Counsel; and

**BE IT FURTHER RESOLVED** that a copy of this resolution and the Release 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 execution of a mutual release agreement with Grinnell Concrete Products, Inc.; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Authorizing an Amended Award of Contract #2009 for the Construction of Washwater Pump Modifications**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING AN AMENDED AWARD OF CONTRACT #2009 FOR THE CONSTRUCTION OF WASHWATER PUMP MODIFICATIONS**

**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 construct washwater pump modifications as part of the water treatment process (the “Pump Modifications”); 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 bids in writing and award contracts after public advertisement; and

**WHEREAS**, the Commission publicly advertised and solicited bids, referenced as Contract #2009, to construct the Pump Modifications, which were publically opened on February 7, 2017; and

**WHEREAS**, in response to the Commission’s advertisement for public bids, the Commission received the following bids from three (3) bidders: (1) Iron Hills Construction in an amount not to exceed \$645,642.00; (2) Stone Hill Contracting in an amount not to exceed \$587,920.00; and (3) Allied Construction Group (“Allied”) in an amount not to exceed \$564,800.00, with an additional \$4,000.00 option for concrete pachometer testing and ultrasonic pulse velocity testing; and

**WHEREAS**, the Commission’s evaluation committee reviewed and evaluated the bids and determined that Allied submitted the lowest, most responsive, and responsible bid for the constructing the Pump Modifications, and recommended that Allied be awarded the contract in accordance with the Commission’s enabling legislation and applicable state law; and

**WHEREAS**, by Resolution #1679 dated February 22, 2017, the Commission awarded Contract #2009 to Allied for a not-to-exceed amount of \$564,800.00, but inadvertently failed to authorize the additional \$4,000.00 option for concrete pachometer testing and ultrasonic pulse velocity testing; and

**WHEREAS**, the Commission desires to amend Resolution #1679 to authorize the additional \$4,000.00 option for concrete pachometer testing and ultrasonic pulse velocity testing which had been included in Allied’s bid; and

**WHEREAS**, the amendment of Resolution #1679 and the \$4,000 increase to the not-to-exceed award of Contract #2009 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 the previous award of Contract #2009 to Allied Construction Group be and is hereby amended to exercise the option for concrete pachometer testing and ultrasonic pulse velocity testing for a total not-to-exceed amount of \$568,800.00; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the construction of the Washwater Pump Modifications, including the option for concrete pachometer testing and ultrasonic pulse velocity testing, and incorporating the Commission's requirements as set forth in the bid documents, Contract #2009, and Allied's bid; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such an agreement 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 Ashkinaze offered a motion to adopt the resolution authorizing an amended award of Contract #2009 for the construction of washwater pump modifications; seconded by Commissioner Garofalo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

**Resolution – Rescinding a Prior Resolution Adopted on October 3, 2012**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION RESCINDING RESOLUTION NO. 1378 ADOPTED ON  
OCTOBER 3, 2012**

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

**WHEREAS**, on October 3, 2012, the Board of Commissioners adopted Resolution No. 1378, titled "Resolution of the North Jersey District Water Supply Commission Limiting Commissioner Compensation and Waiving Commission Paid Benefits"; and

**WHEREAS**, pursuant to Resolution No. 1378, the Board of Commissioners limited their annual salaries to \$1,200.00 per year, notwithstanding the Commission's authorizing legislation which provides for each Commissioner to receive a salary of \$7,500 per year, and for the Chairman to receive a salary of \$8,500.00 per year; and

**WHEREAS**, pursuant to Resolution No. 1378, the Board of Commissioners further agreed to waive and forego all other benefits supplied to the Commissioners at the Commission's expense, including all health benefits paid for by the Commission; and

**WHEREAS**, the Board of Commissioners hereby desires to rescind Resolution No. 1378.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Resolution No. 1378 is hereby rescinded, effective immediately; and

**BE IT FURTHER RESOLVED** that, with the exception of the Commissioners' annual salaries which are authorized pursuant to N.J.S.A. 58:5-4, the Commissioners hereby agree to waive and forego all other benefits supplied to the Commissioners at the Commission's expense which are not otherwise

authorized pursuant to N.J.S.A. 58:5-1 et seq. or other applicable state or federal statutes or regulations including, without limitation, all health benefits paid for by the Commission.

Commissioner Kuser offered a motion to adopt the resolution rescinding a prior resolution adopted on October 3, 2012; seconded by Commissioner Burrell and approved with Commissioners Amedeo, Kuser, and Burrell voting in the affirmative. Chairman Shotmeyer and Commissioner Garofalo voted no. Commissioner Ashkinaze abstained.

**Personnel:**

Upon the recommendation of Executive Director Todd Caliguire and Department Heads, Commissioner Ashkinaze offered a motion to accept the retirement of Daniel DeCepoli, Human Resources Manager, subject to all Commission policies and procedures; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

Upon the recommendation of Executive Director Todd Caliguire and Department Heads, Commissioner Ashkinaze offered a motion to approve the regular appointment of William O'Reilly, Jr. Chemist, subject to all Commission policies and procedures; seconded by Commissioner Burrell and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo 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 Burrell offered a motion to approve the Wanaque North Operating Account in the amount of \$11,583,595.85; seconded by Commissioner Kuser and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative. Commissioner Ashkinaze abstained on check #51501.

**Wanaque South Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Burrell offered a motion to approve the Wanaque South Operating Account in the amount of \$955,596.80; seconded by Commissioner Amedeo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo 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 Burrell offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$997,299.40; seconded by Commissioner Amedeo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

There being no further business, Commissioner Kuser offered a motion to adjourn the meeting at 11:23 a.m.; seconded by Commissioner Amedeo and unanimously approved with Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Burrell and Garofalo voting in the affirmative.

Respectfully submitted,

Kim Diamond  
Commission Secretary