

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, AUGUST 23, 2017

The monthly Public Meeting of the Commission was called to order by Chairman Charles P. Shotmeyer on Wednesday, August 23, 2017 at 9:12 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Charles P. Shotmeyer, Vice Chairman Carmen A. Orechio and Commissioners Alan S. Ashkinaze, 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, Senior Counsel of the Governor's Authorities Unit. Commissioner Jerome P. Amedeo 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.*

Vice Chairman Orechio offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative. The Public Meeting was recessed at 9:14 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of July 26, 2017; seconded by Commissioner Burrell and approved with

Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

Vice Chairman Orechio offered a motion to approve the Public Work Session Minutes of July 26, 2017; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

Vice Chairman Orechio offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2017 in the amount of \$50,500.00 seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commission Invoices:

- a. Invoice #1083-17 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$74,866.36**
Maria Alliegro, Director of Engineering and Ron Farr, Project Manager approved invoice 3(a) for payment.
- b. Invoice #1096-09 from Stone Hill Construction for Contract #1096 – Clarifier System Rehabilitation in Basins 5 & 6 in the amount of \$128,501.33**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(b) for payment.
- c. Invoice #20190 from Landscape Materials, Inc. for Contract #1089A – Removal of Residuals in the amount of \$28,336.00**
David Kirkham, Director of Residuals Treatment Operations and Geordie Allegri, Asst. Manager approved invoice 3(c) for payment.
- d. Invoice #2009-01 from Allied Construction Group, Inc. for Contract #2009 – Wash Water Pump Modifications in the amount of \$499,432.50**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(d) for payment.
- e. Invoice #2007-01 from Allied Construction Group, Inc. for Contract #2007 – PAC Construction in the amount of \$513,802.24**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(e) for payment.
- f. Invoice #2010-03 from Anka Painting Company, Inc. for Contract #2010 – Aqueduct Bridge Repair & Painting in the amount of \$113,942.70**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(f) for payment.
- g. Various Invoices from Premier Utility Services for Contract #1013 – Underground Locating in the amount of \$1,116.74**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(g) for payment.
- h. Invoice #20170731-62975-A from Wilmington Trust for Trustee Fee NJDWSC 2015 Debt Service in the amount of \$9,500.00**
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. Invoice #0741814 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$6,300.00**
Maria Alliegro, Director of Engineering and Ron Farr, Project Manager approved invoice 3(i) for payment.

j. Invoice #IV00253636 from Mott MacDonald for Contract #1085 – WSPS Construction Administration in the amount of \$2,581.44

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

k. Invoice #333529 from Tectonic Engineering & Surveying for Contract #2000 – Land Surveying Services in the amount of \$41,931.29

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

l. Invoice #21137 from Public Strategies Impact LLC. for Community/Media Relations Consulting in the amount of \$4,250.00

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

m. Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services – Year 2 – 2nd Set of Invoices in the amount of \$28,370.07

Maria Alliegro, Director of Engineering, Chris Clamser, Project Engineer, James Stachura, Project Engineer, Edwin Reyes, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.

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

Resolution – Authorizing the Execution and Delivery of Loan Agreements to be Executed by the North Jersey District Water Supply Commission and Each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey, Acting By and Through the Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement, All Pursuant to the New Jersey Environmental Infrastructure Trust Financing Program

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF
LOAN AGREEMENTS TO BE EXECUTED BY THE
NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE
TRUST AND THE STATE OF NEW JERSEY,
ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND
DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, the New Jersey District Water Supply Commission, a water commission duly formed and validly existing under and by virtue of the laws of the State of New Jersey (the "Commission"), has determined that there exists a need within the service area of the Commission to refinance the Wanaque South Project Pump Station Project, which was financed in part by the proceeds of the Commission's Construction Note dated December 28, 2016 (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Commission and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Commission and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program"); and

WHEREAS, the Commission has determined to refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the Trust and the State require the Commission to authorize, execute and deliver the Commission's South Wanaque Project Subordinated

Revenue Bonds, 2017 Series 1 to the State (the "Fund Loan Bond") and South Wanaque Project Subordinated Revenue Bonds, 2017 Series 2 (the "Trust Loan Bond", and together with the Fund Loan Bond, the "Commission Bonds") to the Trust, in an aggregate principal amount not to exceed \$3,400,000 pursuant to the terms of applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Commission Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Commission, the escrow agent named therein and Manufacturers and Traders Trust Company, as trustee for the holders of the Commission Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Commission as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement, the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Commission by either the Chairman or the Executive Director in substantially the forms attached hereto as Exhibits A, B, and C, respectively, with such changes as the Chairman or the Executive Director (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Commission (collectively, the "Commission Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Commission Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Secretary of the Commission is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Commission as determined hereunder and to affix the corporate seal of the Commission to such Financing Documents.

Section 2. The Authorized Officers of the Commission are hereby further severally authorized to (i) execute and deliver, and the Secretary of the Commission is hereby further authorized to attest to such execution and to affix the corporate seal of the Commission to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Commission, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Secretary of the Commission shall forward certified copies of this resolution to Gluck Walrath LLP, Bond Counsel to the Commission, and Richard T. Nolan, Esq., McCarter & English, LLP, Bond Counsel to the Trust.

Commissioner Kuser offered a motion to adopt the resolution authorizing the execution and delivery of loan agreements to be executed by the North Jersey District Water Supply Commission and each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey, acting by and through the Department of Environmental Protection, and further authorizing the execution and delivery of an escrow agreement, all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2019 for Utility Mark-Out Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2019 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 had determined that there is a need for services to identify and mark-out Commission-owned utilities; and

WHEREAS, the Commission is empowered by law to purchase goods and services as it may determine are 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 #2019, for utility mark-out services for a three (3) year term and up to two (2) optional one-year extensions (“Contract #2019”), which were publically opened on August 9, 2017; and

WHEREAS, in response to the Commission’s advertisement for public bids, the Commission received bids from Geod Corporation and USIC, LLC; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the bids and determined that USIC, LLC submitted the lowest, most responsive, and responsible bid, and recommended that USIC, LLC be awarded the contract in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, USIC, LLC proposed to perform the services in year one of the contract at the following rates: (i) \$19.46 per normal response and site visit mark-out; (ii) \$39.03 per emergency response and site visit mark-out; (iii) \$39.03 per after hours response and site visit mark-out; and (iv) \$6.14 per office screen, with slight annual rate increases during the term of the contract, and the Commission has determined that the rates are reasonable; and

WHEREAS, the Commission has determined, based upon its historical need for mark-out services and the rates proposed by USIC, LLC, that a not-to-exceed contract award amount of \$80,000.00 for a three-year term is reasonable and appropriate; and

WHEREAS, USIC, LLC possesses the requisite expertise and capability to perform utility mark-out services as specified in the bid documents; and

WHEREAS, the Commission desires to retain the services of USIC, LLC in accordance with the bid documents, Contract #2019, and its bid; and

WHEREAS, the award of this contract is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract be awarded to USIC, LLC as the lowest, most responsive and responsible bidder in accordance with the Commission’s enabling legislation and applicable State law, for an amount not to exceed \$80,000 for a three (3) year term and at the rates set forth in USIC, LLC’s bid, to provide mark-out services of Commission-owned utilities; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for utility mark-out services, incorporating the Commission’s requirements as set forth in the bid documents, Contract #2019, and USIC, LLC’s bid; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Vice Chairman Orechio offered a motion to adopt the resolution authorizing the award and execution of Contract #2019 for utility mark-out services; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

Resolution – Authorizing an Award of Contract #2012R for Milling and Paving of Raymond Dam Toe Road

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING AN AWARD OF CONTRACT #2012R FOR MILLING AND PAVING OF RAYMOND DAM TOE ROAD

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 determined that it was necessary to mill and pave Raymond Dam Toe Road; 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 #2012R for Milling and Paving of Raymond Dam Toe Road (“Contract #2012R”), which were publically opened on August 8, 2017; and

WHEREAS, bidders were asked to submit one bid price to mill and pave Raymond Dam Toe Road, and a separate, fixed unit price per ton of base course repair material in the event milling operations uncover additional areas requiring paving; and

WHEREAS, in response to the Commission’s advertisement for public bids, the Commission received three (3) bids from the following contractors: (a) Haskell Paving in the amount of \$79,750.00 and no unit price per ton of base course repair material; (b) Intercounty Paving Associates, Inc. in the amount of \$109,969.04 and \$138.00 per ton of base course repair material; and (c) Paving Materials & Contracting, LLC in the amount of \$74,120.00 and \$135.00 per ton of base course repair material; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the bids and determined that Paving Materials & Contracting, LLC submitted the lowest, most responsive, and responsible bid for the milling and paving of Raymond Dam Toe Road, and recommended that Paving Materials & Contracting, LLC be awarded the contract in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the Commission has determined that the pricing proposed by Paving Materials & Contracting, LLC is reasonable; and

WHEREAS, Paving Materials & Contracting, LLC possesses the requisite expertise and capability to mill and pave Raymond Dam Toe Road as specified in the bid documents; and

WHEREAS, the Commission desires to retain the services of Paving Materials & Contracting, LLC in accordance with the bid documents, Contract #2012R, and its bid; and

WHEREAS, the award of this contract is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract be awarded to Paving Materials & Contracting, LLC as the lowest, most responsive and responsible bidder in accordance with the Commission’s enabling legislation and applicable State law, for the amount of \$74,120.00 and a fixed \$135.00 per ton of base

course repair material as the Commission may determine is necessary, to mill and pave Raymond Dam Toe Road; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for milling and paving Raymond Dam Toe Road, incorporating the Commission's requirements as set forth in the bid documents, Contract #2012R, and Paving Materials & Contracting, LLC's bid; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Vice Chairman Orechio offered a motion to adopt the resolution authorizing an award of Contract #2012R for milling and paving of Raymond Dam Toe Road; seconded by Commissioner Ashkinaze 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, Vice Chairman Orechio offered a motion to approve the Wanaque North Operating Account in the amount of \$13,866,862.31; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo 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, Vice Chairman Orechio offered a motion to approve the Wanaque South Operating Account in the amount of \$1,772,960.59; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, 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, Vice Chairman Orechio offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$601,193.19; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

There being no further business, Vice Chairman Orechio offered a motion to adjourn the meeting at 11:14 a.m.; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Shotmeyer, Vice Chairman Orechio and Commissioners Ashkinaze, Kuser, Burrell and Garofalo voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary