

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, MAY 27, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, May 27, 2020 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Chairman Howard L. Burrell, Timothy J. Eustace, Executive Director, Todd R. Caliguire, Deputy Executive Director, Lloyd Naideck, Chief Operating Officer and William Schaffner, Chief Financial Officer. Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Robert C. Garofalo, Donald C. Kuser and James L. Cassella participated via teleconference. Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Edmund Caulfield, Senior Counsel of the Governor's Authorities Unit also participated via teleconference.

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 Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:51 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of April 22, 2020; 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 April 22, 2020; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for May 2020 in the amount of \$56,465.56; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:**Commission Invoices:**

- a. **Invoice #1083-35 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$2,414,039.80**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2058-03 from Stone Hill Construction for Contract #2058 – Filter 12 Rehab in the amount of \$24,493.28**
Paul Serillo, Director of Facilities and Paul Kearney, Operations Manager approved invoice 3(b) for payment.
- c. **Invoice #380161 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,072.65**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #0794161 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$3,000.00**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(d) for payment.
- e. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$28,875.00**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(e) for payment.
- f. **Invoice #2022-16 from Alpine Painting & Sand Blasting for Contract #2022 – Task #3-6 Filters, Surface Wash & Pipe Gallery in the amount of \$185,621.55**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.
- g. **Invoice #1 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$3,675.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(g) for payment.
- h. **Invoice #90806842 from United States Department of the Interior for United State Geological Survey Agreement #19LJJFA28 in the amount of \$180,174.80**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Invoice #91330-1263 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$12,100.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(i) for payment.
- j. **Invoice #E6X93300013 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$9,741.41**

Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(j) for payment.

k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$18,220.03

Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(k) for payment.

l. Invoice E6X94200007 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$21,075.80

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

m. Various Invoices from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$32,974.13

Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.

n. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$53,957.12

Maria Alliegro, Director of Facilities, Michael Dox, Plant Electrical Engineer, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(n) for payment.

o. Invoice E6X96100001 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$25,941.66

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

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

Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE ONLINE SALE OF SURPLUS VEHICLES
AND EQUIPMENT**

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, pursuant to the broad power conferred in N.J.S.A. 58:5-7, the Commission is empowered to dispose of all such property as may no longer be necessary for the uses and purposes for which the Commission was created; and

WHEREAS, the staff of the Commission has identified certain vehicles and equipment (Exhibit “A” attached) that are no longer necessary for the provision of potable water supplies to its member municipalities in accordance with its statutory responsibilities; and

WHEREAS, the Commission desires to dispose of such surplus vehicles and equipment pursuant to a publicly advertised process in order to obtain the fair market value for such vehicles and equipment for the benefit of its member municipalities; and

WHEREAS, the sale and disposition of such surplus vehicles and equipment is necessary for the Commission's efficient operations and the protection of its water supply facilities; and

WHEREAS, the Commission had previously authorized the sale of surplus vehicles and equipment

through GovDeals, a state contract online government surplus auction website; and

WHEREAS, the Commission desires to sell the surplus vehicles and equipment identified on Exhibit A through GovDeals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves and authorizes the sale and disposition of surplus vehicles and equipment identified on Exhibit A attached hereto through GovDeals as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with its terms and conditions.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9; 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 online sale of surplus vehicles and equipment; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Approving the Reallocation of Capital Budget Appropriations

Commission Secretary Kim Diamond read the following resolution:

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

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

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

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

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

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

BE IT FURTHER RESOLVED, that the Executive Director is authorized to implement the transfer of funds as indicated on the Capital Budget Reallocation List; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Change Order No. 2 to Contract #1083 with Stone Hill Contracting Company, Inc. for Residual Treatment Facility Upgrades for the Lagoon Decant Tower Discharge Project

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT
#1083 WITH STONE HILL CONTRACTING COMPANY, INC. FOR RESIDUAL
TREATMENT FACILITY UPGRADES FOR THE LAGOON DECANT TOWER
DISCHARGE PROJECT**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission previously determined there was a need to retain a team of qualified firms to provide the design and construction (“Design-Build Services”) of a lagoon decant treatment technology to ensure Commission compliance with the requirements of the Administrative Consent Order (“ACO”) with the New Jersey Department of Environmental Protection (“NJDEP”) concerning the lagoon decant discharge to surface waters; and

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

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

WHEREAS, on or about September 24, 2015, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. (“Stone Hill”), in conjunction with H2M Architects and Engineers, and Kleinfelder, Inc., (collectively, the “Stone Hill Design Team”) a contract for the provision of Design-Build Services (“Contract #1083”); and

WHEREAS, the original contract amount for Design-Build Services was not to exceed \$4,100,000.00, but after a comprehensive study performed by the Stone Hill Design Team it was found that the original design was not a viable option for meeting the requirements of the ACO; and

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

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

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

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

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

WHEREAS, due to the encountered delays, Stone Hill is seeking a new substantial completion deadline of August 31, 2020, followed by a three-month period of equipment and process optimization, and continued sludge treatment operation with the temporary belt filter presses, for a final completion date of November 30, 2020 (“Change Order #2”); and

WHEREAS, the new deadlines set forth in Change Order #2 will still allow the requirements of the ACO to be met; and

WHEREAS, Commission staff have examined Change Order #2 and have determined that the extension requested therein is reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 2 to Contract #1083; and

WHEREAS, the award of this Change Order No. 2 to Contract #1083 is necessary for the efficient operation of the Commission; and

WHEREAS, no additional funds are required for this Change Order No. 2 to Contract #1083.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 2 to Contract #1083 with Stone Hill is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 2 to Contract #1083, extending certain deadlines as set forth herein, with all other terms and conditions of Contract #1083 to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 2 to Contract #1083, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing Change Order No. 2 to Contract #1083 with Stone Hill Contracting Company, Inc. for Residual Treatment Facility upgrades for the Lagoon Decant Tower Discharge Project; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Second Renewal Option and One Year Extension to Contract #2011 with PFM Asset Management LLC for Investment Advisory and Management Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE SECOND RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2011 WITH PFM ASSET
MANAGEMENT LCC FOR INVESTMENT ADVISORY AND MANAGEMENT
SERVICES**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission previously determined there was a need to retain a qualified investment advisory firm to provide advice with respect to the development and implementation of a comprehensive investment and cash management program (the “Advisory Services”); and

WHEREAS, on or about October 11, 2016, the Commission publicly advertised a request for qualifications and proposals for the Advisory Services, referenced as RFP #013-2016, and received proposals from interested parties on or before October 27, 2016; and

WHEREAS, the Commission thereafter evaluated the proposals and adopted a resolution awarding PFM Asset Management LLC (“PFM”) a contract for the provision of the Advisory Services, as the most qualified proposer, considering its experience and pricing (“Contract #2011”); and

WHEREAS, on April 26, 2017, the Commission and PFM executed Contract #2011, with a term of two (2) years, with the Commission reserving the right to renew Contract #2011 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, on or about April 25, 2019, the Commission exercised its first renewal option and one (1) year extension to Contract #2011 under the same terms and conditions, while also reserving the right to exercise the second renewal option for an additional one (1) year term as outlined in Contract #2011; and

WHEREAS, the Commission has been satisfied with PFM’s work, and wishes to exercise the second renewal option and one (1) year extension to Contract #2011 under the same terms and conditions; and

WHEREAS, the additional one (1) year renewal of Contract #2011 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 additional one (1) year renewal of Contract #2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2011 with PFM is hereby renewed for an additional term of one (1) year, to April 30, 2021, to provide the Advisory Services; 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 #2011; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2011, 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 #2011 with PFM Asset Management LLC for investment advisory and management services; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing Change Order No. 1 to the State Contract with Petro-Mechanics Inc. for the Removal and Replacement of the Underground Storage Tank at the Head Works Fleet Garage

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING CHANGE ORDER NO.1 TO THE STATE
CONTRACT WITH PETRO-MECHANICS INC. FOR THE REMOVAL AND
REPLACEMENT OF THE UNDERGROUND STORAGE TANK AT THE HEAD
WORKS FLEET GARAGE**

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, at the Commission's Head Work's Fleet Garage there is an 8,000 gallon underground storage tank capable of holding 6,000 gallons of gasoline and 2,000 gallons of diesel (the "Fleet Garage UST"); and

WHEREAS, during the course of the Commission's compliance testing in 2019, the Fleet Garage UST failed hydrostatic testing on one tank sump, one spill bucket and the containment under the fuel pump; and

WHEREAS, the Commission determined that it was desirable to remove the Fleet Garage UST and replace it with two (2) above ground tanks for emergency use, and make use of government fleet fuel credit cards; and

WHEREAS, on or about February 26, 2020, pursuant to N.J.S.A. 58:5-20 and Section 1(H) of the Commission's Purchasing Policies and Procedures Manual, the Commission adopted a resolution awarding a contract to Petro-Mechanics Inc., an approved State vendor ("Petro-Mechanics") in the amount of \$42,675.00 to remove the Fleet Garage UST and install a new tank pad for above ground tanks (the "Services"); and

WHEREAS, during the performance of the Services, the Commission and Petro-Mechanics determined that there was a need to relocate the pad further away from the garage building, and to supply additional protective steel bollards; and

WHEREAS, at the request of Commission staff, Petro-Mechanics supplied a proposal for the aforementioned additional services for a price of \$5,200.00 ("Change Order. No.1"); and

WHEREAS, Commission staff have examined Petro-Mechanics' requested Change Order No. 1 and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 1 to the contract with Petro-Mechanics; and

WHEREAS, the award of Change Order No. 1 to the contract with Petro-Mechanics 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 Change Order No. 1 to the contract with Petro-Mechanics.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to the contract with Petro-Mechanics is hereby approved in the amount of \$5,200.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to the contract with Petro-Mechanics in the amount of \$5,200.00 in accordance with Petro-Mechanics' proposal, with all other terms and conditions of the contract with Petro-Mechanics, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to the contract with Petro-Mechanics and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing Change Order No. 1 to the State Contract with Petro-Mechanics Inc. for the removal and replacement of the underground storage tank at the Head Works fleet garage; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract for Environmental Site Remediation of the Commission's Former Shooting Range

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR ENVIRONMENTAL SITE REMEDIATION OF THE
COMMISSION'S FORMER SHOOTING RANGE**

WHEREAS, the North Jersey District Water Supply Commission ("Commission") is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, the Commission has determined that it is necessary to retain the services of a firm specializing in environmental site remediation (the "Remediation Services") for the Commission's former shooting range, an approximately 0.88-acre parcel located within Block 508, Lot 1 in Ringwood, New Jersey (the "Shooting Range Remediation Project"); and

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

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

WHEREAS, on or about November 5, 2019, the Commission publicly advertised a request for proposals for the Shooting Range Remediation Project ("RFP #011-2019"), and subsequently received one proposal on or about April 2, 2020 from Vollers Excavation and Construction, Inc. ("Vollers") to perform the Remediation Services for a not-to-exceed amount of \$1,533,327.59 (the "Proposal"); and

WHEREAS, in order to clarify certain items and costs for alternate line items, the Commission issued a request for information to Vollers on May 8, 2020, which responses were received by Vollers on May 11, 2020 (the "RFI Responses"); and

WHEREAS, pursuant to the RFI Responses, the Commission staff determined to add a \$100,000.00 allowance for Additional Line Items I, II and III to the base bid (for the treatment and screening of contaminated soils onsite, and additional excavation) should such work become necessary, bringing the total contract amount to \$1,633,327.59; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposal and the RFI Responses and determined that Vollers submitted a qualified, responsible, and responsive proposal for the Remediation Services, and has recommended that Vollers be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, as per RFP #011-2019, the Remediation Services shall be completed on or before December 31, 2021; and

WHEREAS, the Commission desires to retain Vollers to perform the Remediation Services in accordance with the Commission's requirements as set forth in RFP #011-2019, the Proposal, the RFI Responses, and any applicable laws, rules or regulations; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract for the Remediation Services be awarded to Vollers as the sole qualified, responsive, and responsible proposer in accordance with the Commission's enabling legislation and applicable State law for an amount not to exceed \$1,633,327.59, which amount includes the base bid plus a \$100,000.00 allowance for Additional Line Items I, II and III, should they be needed; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract with Vollers for the Remediation Services, incorporating the

Commission's requirements as set forth in RFP #011-2019, the Proposal, the RFI Responses and any applicable law, rule or regulation; and

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

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract for environmental site remediation of the Commission's former shooting range; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Execution of an Amended Administration Consent Order with the New Jersey Department of Environmental Protection

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE EXECUTION OF AN AMENDED
ADMINISTRATIVE CONSENT ORDER WITH THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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 March 19, 2012, the New Jersey Department of Environmental Protection (the "Department") issued an individual authorization under the Consolidated Master General New Jersey Pollutant Discharge Elimination System ("NJPDES") Discharge to Surface Water Permit No. NJ0129500 for potable water treatment plants, and assigned an individual authorization number NJG0062111 (the "Permit") to the Commission effective as of April 1, 2012; and

WHEREAS, pursuant to the Permit, the Commission has two (2) permitted discharge points, including: (i) DSN002, for the discharge of wastewater and surface water into the Wanaque Reservoir; and (ii) DSN003, for the discharge of wastewater, surface water and groundwater into Posts Brook; and

WHEREAS, the Permit sets forth specific effluent limitations for certain parameters for each permitted outfall; and

WHEREAS, because of the toxicity exhibited in the effluent from its facility in excess of these limitations, the Department mandated that the Commission undertake a toxicity reduction evaluation to determine the source(s) and cause(s) of the toxicity, and further mandated that the Commission undertake certain corrective measures to achieve compliance with the limitations; and

WHEREAS, on July 31, 2015, the Commission entered into an Administrative Consent Order (ACO) with the Department for the purpose of allowing the Commission additional time to identify the cause(s) of toxicity in the effluent from its facility, and to design and construct treatment facilities to bring the Commission's wastewater discharge into compliance with the limitations set forth in the Permit; and

WHEREAS, the Commission has experienced delays in the construction of the improvements at its Residual Treatment Facility which are needed to meet the requirements of the ACO, in part due to the Covid 19 Pandemic, and the Commission has requested that the Department extend the time deadlines in the ACO; and

WHEREAS, the Department has agreed that the delays warrant an amendment of the ACO to allow additional time to achieve compliance with the effluent toxicity limitations in the Permit, and further agreed

to enter into an Amended Administrative Consent Order with the Commission which extends the time deadlines in the ACO, a copy of which is attached hereto; and

WHEREAS, the Commission has determined that it is necessary and appropriate to enter into such an Amended Administrative Consent Order with the Department, and to be bound by its terms.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the execution of an Amended Administrative Consent Order with the New Jersey Department of Environmental Protection as provided herein, be and is hereby authorized; and

BE IT FURTHER RESOLVED that the Executive Director of the Commission is hereby authorized to execute said Amended Administrative Consent Order; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the execution of an amended Administration Consent Order with the New Jersey Department of Environmental Protection; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2064 for Construction Services Associated with the Bridge Repair at Stonetown Road & Fairfield Road

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2064 FOR CONSTRUCTION SERVICES ASSOCIATED WITH
THE BRIDGE REPAIR AT STONETOWN ROAD &
FAIRFIELD 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 determined there was a need to retain a qualified vendor to provide construction services associated with the bridge repair at Stonetown Road and Fairfield Road (the “Services”);

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

WHEREAS, on or about March 5, 2020, the Commission publicly advertised a bid specification for Contract #2064 (“Contract #2064”) for construction services associated with the bridge repair at Stonetown Road and Fairfield Road (as amended and supplemented, the “Bid Specification”) and received four bids on or about May 6, 2020 from various firms; and

WHEREAS, Commission staff have reviewed and evaluated the bids and determined that CMS Construction, Inc. (“CMS”), which submitted a bid to complete the work for a not to exceed amount of \$125,000.00 (the “CMS Proposal”), submitted the lowest conforming bid; and

WHEREAS, Commission staff have examined the CMS Proposal and have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission award and execute Contract #2064 with CMS in accordance with the Commission's enabling legislation and applicable State law; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2064 for construction services associated with the bridge repair at Stonetown Road and Fairfield Road be awarded to CMS as the lowest conforming bidder in accordance with the Commission's enabling legislation and applicable State law, for an amount not to exceed \$125,000.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare such a contract, incorporating the Commission's requirements as set forth in the Bid Specification, CMS' Proposal, and any applicable law, rule or regulation; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Contract #2064, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Commissioner Kuser offered a motion to adopt the resolution authorizing the award and execution of Contract #2064 for construction services associated with the bridge repair at Stonetown Road & Fairfield Road; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Wanaque North Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque North Operating Account in the amount of \$12,548,685.91; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser 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 Kuser offered a motion to approve the Wanaque South Operating Account in the amount of \$3,503,949.36; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Wanaque South Joint Venture Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$508,360.01; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 10:01 a.m.; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary