

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JULY 22, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, June 24, 2020 at 9:04 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Lloyd Naideck, Deputy Executive Director, and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, 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 9:06 a.m.

Chairman Burrell reconvened the Public Meeting at 9:32 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of June 24, 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 Cassella offered a motion to approve the Public Work Session Minutes of June 24, 2020; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for June 2020 in the amount of \$121,830.52; 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 #1083-37 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$1,283,031.78**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #387328 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,213.20**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #220336 from Go Organic Lawn & Tree Care for Contract #2067 – Vegetation Management in the amount of \$8,750.00**
Robert Malone, Manager GFM and Robert Malone, Assistant Manager GFM approved invoice 3(c) for payment.
- d. **Invoice #3 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$2,100.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(d) for payment.
- e. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$19,500.00**
Paul Serillo, Director of Facilities, Maria Alliegro, Director of Engineering, Michael Dox, Plant Electrical Engineer and Chris Clamser, Project Engineer approved invoice 3(e) for payment.
- f. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$36,300.00**
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(f) for payment.
- g. **Invoice #91330-1322 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$16,000.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from Wilmington Trust – Trustee Fees for Wanaque South in the amount of \$6,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Various Invoices from BNY Mellon – Trustee Fees – 2020 Series NJ Infrastructure Bank Loan in the amount of \$6,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(i) for payment.
- j. **Invoice #E6X93300015 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$20,621.63**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(j) for payment.

- k. Invoice E6X94200009 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$26,255.19**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(k) for payment.
- l. Various Invoices from Jacobs Engineering Group, Inc. for Contract #1090 – General Consulting Engineering Services in the amount of \$38,332.50**
Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$29,744.50**
Paul Serillo, Director of Facilities, Maria Alliegro, Director of Facilities, Michael Dox, Plant Electrical Engineer, James Stachura, Project Engineer, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.
- n. Invoice E6X96100003 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$1,219.70**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(n) for payment.
- o. Invoice E6X94500008 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$5,493.60**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(o) for payment.

Commissioner Ashkinaze offered a motion to approve invoices 3(a) through 3(o); 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 Amendment No. 1 to Contract #2061 with Jacobs Engineering, Inc. for General Consulting Engineering Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT #2061
WITH JACOBS ENGINEERING, INC. FOR GENERAL CONSULTING
ENGINEERING SERVICES**

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

WHEREAS, the Commission previously determined there was a need to retain a firm specializing in engineering services to provide general consulting engineering services for the Commission on multiple projects (the “General Consulting Engineering Services”); and

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

WHEREAS, on or about November 20, 2019 the Commission adopted a resolution awarding Jacobs Engineering, Inc. (“Jacobs”) a contract for the provision of the General Consulting Engineering Services (“Contract #2061”); and

WHEREAS, the General Consulting Engineering Services are performed from year-to-year, with the Commission funding Contract #2061 through the Commission’s Engineering Operating budget, with a not-to-exceed amount of \$250,000 per year; and

WHEREAS, under the contract, Jacobs was authorized to perform two tasks necessary for the Commission to be in compliance with the America’s Water Infrastructure Act of 2018 (“AWIA”) - the Risk and Resilience Assessment requiring certification to the United States Environmental Protection Agency (“USEPA”) by March 31, 2020 and the Emergency Response Plan, requiring certification to the USEPA by September 30, 2020; and

WHEREAS, after negotiation with Jacobs, the total combined fee for the AWIA work orders amounted to \$146,000 of the \$250,000 Year 1 (2020) contract budget; and

WHEREAS, the Commission believes it is necessary to add \$50,000 to the budget of Year 1 (2020) of Contract #2061 in order to complete the General Consulting Engineering Services on multiple other projects (“Amendment No. 1”); and

WHEREAS, the increase of \$50,000 to the existing \$250,000 budget of Year 1 (2020) would bring the total not-to-exceed amount of Year 1 (2020) of Contract #2061 to \$300,000; and

WHEREAS, Commission staff have examined Amendment No. 1 to Contract #2061 and have determined that the terms set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 1 to Contract #2061; and

WHEREAS, the award of this Amendment No. 1 to Contract #2061 is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for this Amendment No. 1 to Contract #2061.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 1 to Contract #2061 with Jacobs adding \$50,000 to Year 1 (2020) of Contract #2061 is hereby approved, bringing the total authorized contract in Year 1 (2020) to a not-to-exceed amount of \$300,000; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 1 to Contract #2061, with all other terms and conditions of Contract #2061, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that the Executive Director of the Commission is hereby authorized to execute Amendment No. 1 to Contract #2061, and the Secretary of the Commission is authorized to attest to the signature of the Executive Director; 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing Amendment No. 1 to Contract #2061 with Jacobs Engineering, Inc. for general consulting engineering services; 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 Execution and Recording of an Easement Granting a Recreational Trail Easement to the Township of Pequannock

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING THE EXECUTION AND RECORDING OF AN EASEMENT GRANTING A
RECREATIONAL TRAIL EASEMENT TO THE
TOWNSHIP OF PEQUANNOCK**

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 real property designated as Block 902, Lot 26, on the official Tax Maps of the Township of Pequannock (the “Township”), County of Morris, New Jersey (the “Commission Property”); and

WHEREAS, the Commission Property, in its present condition, has natural elements and ecological, aesthetic, educational and recreational values which the Commission desires to have preserved and maintained; and

WHEREAS, the Township desires to construct a recreational trail along certain points of the Commission Property for the purpose of passive recreational activities such as walking, hiking, jogging, biking, baby stroller usage, bird watching and nature study (the "Recreational Trail"); and

WHEREAS, in order to obtain permission to construct, use and maintain the Recreational Trail, the Township has requested that the Commission grant a perpetual, non-exclusive easement on, over and across said portions of the Commission Property, in substantially the form attached hereto as Exhibit A (the "Easement"); and

WHEREAS, the Commission recognizes the importance of the Recreational Trail and desires to convey the Easement in order to promote the development of the Recreational Trail, preserve open space, protect and enhance the natural and scenic resources, increase levels of physical activity, promote non-motorized modes and access to transit and prevent the use or development of the Commission Property for any purpose or in any manner that conflicts with said goals.

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, in substantially the form attached hereto, with the Township of Pequannock to develop the Recreational Trail as set forth herein; and

BE IT FURTHER RESOLVED, that the exact location of the easement areas over the Commission Property shall be as set forth in the legal descriptions attached as Exhibit A to the Easement; 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; and

BE IT FUTHER RESOLVED, that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the Easement 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 are finalized, as confirmed by the Commission's General Counsel; and

BE IT FURTHER RESOLVED that a copy of this resolution and the Easement 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 execution and recording of an easement granting a recreational trail easement to the Township of Pequannock; 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 \$7,291,114.33; 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. Vice Chairman Shotmeyer abstained from check #58930.

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 \$737,211.51; 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 Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$488,400.47; seconded by

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Commissioner Ashkinaze 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 9:38 a.m.; 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.

Respectfully submitted,

Kim Diamond
Commission Secretary