

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, AUGUST 26, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, August 26, 2020 at 9:03 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 Garofalo 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 9:26 a.m.

### PUBLIC COMMISSION BUSINESS

#### **ACTION REQUIRED:**

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of July 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.

Vice Chairman Shotmeyer offered a motion to approve the Public Work Session Minutes of July 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 Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2020 in the amount of \$89,795.77; seconded by Commissioner Garofalo 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 #1083-38 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$594,368.67**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-01 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$19,954.75**  
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #393131 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,030.65**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$5,675.00**  
Paul Serillo, Director of Facilities, Michael Dox, Plant Electrical Engineer and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$65,175.00**  
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(e) for payment.
- f. **Invoice #91330-1379 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$4,100.00**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Wilmington Trust – Trustee Fees for Wanaque South Project 2003 NJEIT Loan in the amount of \$3,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(g) for payment.
- h. **Invoice #111-1893415 from BNY Mellon – Trustee Fees – 2009 Wanaque North Refunding Bonds in the amount of \$3,850.00**  
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Invoice #34175488 from Arcadis US, Inc. for Contract #1095 – Security Project Construction Oversight in the amount of \$1,442.50**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Invoice #2 from J.D. Solomon, Inc. for Contract #2065 – Support of Asset Management Study in the amount of \$3,010.00**  
Paul Serillo, Director of Facilities and Maria Alliegro, Director of Engineering approved invoice 3(j) for payment.

- k. Invoice #2028-04 from Systems Electronic, Inc. for Contract #2028 – Fire Alarm Upgrade in the amount of \$18,200.00**  
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(k) for payment.
- l. Invoice #22211 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$183,580.00**  
David Kirkham, Director of Operations and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(l) for payment.
- m. Invoice #E6X93300016 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$12,934.18**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.
- n. Invoice E6X94200010 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$19,030.25**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(n) for payment.
- o. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$16,710.00**  
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(o) for payment.
- p. Invoice E6X96100004 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$4,327.47**  
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(p) for payment.

Vice Chairman Shotmeyer offered a motion to approve invoices 3(a) through 3(p); seconded by Commissioner Garofalo 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 Kuser offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

**Resolution – Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of Debt Obligations, including any Debt Obligations Issued in Connection with its Participation in the New Jersey Infrastructure Bank Financing Program**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT  
COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS, INCLUDING ANY DEBT  
OBLIGATIONS ISSUED IN CONNECTION WITH ITS PARTICIPATION IN THE NEW  
JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM**

**WHEREAS**, the North Jersey District Water Supply Commission (the “Borrower”) intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the “Project”);

**WHEREAS**, the Borrower intends to finance the Project with debt obligations of the Borrower (the “Project Debt Obligations”) but may pay for certain costs of the Project (the “Project Costs”) prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

**WHEREAS**, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), will be issued to finance the Project by the New Jersey Infrastructure Bank (the “Issuer”) on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer’s obligations (the “Issuer Bonds”); and

**WHEREAS**, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower as follows:

**Section 1.** The Borrower is hereby authorized to give notice of its intention to adopt any resolutions necessary to issue the Project Debt Obligations and the Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

**Section 2.** This resolution is intended to be and hereby is a declaration of the Borrower’s official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

**Section 3.** The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is not to exceed \$25,000,000.

**Section 4.** The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

**Section 5.** No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Issuer Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1).

**Section 6.** All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or

(ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**Section 7.** This resolution shall take effect immediately.

Commissioner Cassella offered a motion to adopt the resolution declaring its official intent to reimburse expenditures for project costs from the proceeds of debt obligations, including any debt obligations issued in connection with its participation in the New Jersey Infrastructure Bank Financing Program; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing a Sole Source Contract Award to Cypress ETI LLC for the In-Line Inspection and Assessment of 2.5 Miles of the Wanaque North Aqueduct Pipeline**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT  
AWARD TO CYPRESS ETI LLC FOR THE IN-LINE INSPECTION  
AND ASSESSMENT OF 2.5 MILES OF THE WANAQUE NORTH AQUEDUCT  
PIPELINE**

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

**WHEREAS**, the Commission has a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to a significant number of New Jersey residents which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission’s Engineering Department has been conducting an ongoing effort to determine and evaluate testing methods which are commercially available and proven to assess the condition of the Commission’s 74-inch diameter Wanaque North Aqueduct (the “Aqueduct”); and

**WHEREAS**, the Commission has been employing leak detection technology that uses acoustic data loggers and correlators to indicate where along the Aqueduct there may be a possible leak; and

**WHEREAS**, the Commission requires a continuous internal inspection of the Aqueduct to assess the condition of the cement-mortar lining, to determine the presence of any steel corrosion, and determine damage, if any, to the pipeline’s walls (the “Services”); and

**WHEREAS**, the Commission has conducted extensive research and an engineering evaluation of the Services and determined that Cypress ETI, LLC (“Cypress”) which utilizes Magnetic Flux Leakage (MFL) technology, is the only company capable of performing the Services, including adequate continuous internal inspection and testing on a 74-inch aqueduct, other companies having the capability to perform inspections only on pipelines of 48-inch diameter or less; and

**WHEREAS**, based on literature received from Cypress, and as described in their proposal, attached hereto (the “Cypress Proposal”), Cypress has been granted eleven pipeline inspection patents and has improved their MFL system for inspecting mortar lined aqueduct, which now includes an all-digital electronic configuration, 16-bit resolution data, fully reversible framework, lighter weight and more stable overall geometry; and

**WHEREAS**, having researched and reviewed the information, the Commission Staff have determined to review the viability of the Cypress technology by inspecting a 2.5 mile section of the Aqueduct (the “Pipeline Section”) for a cost not-to-exceed \$203,600.00, in accordance with the Cypress Proposal; and

**WHEREAS**, pursuant to the attached memorandum, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission has determined that Cypress constitutes a sole source provider of the Services; 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 Cypress in the not-to-exceed amount of \$203,600.00 on a sole source basis for the inspection and assessment of the Pipeline Section.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for Cypress.

**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 a sole source contract award to Cypress ETI LLC for the in-line inspection and assessment of 2.5 miles of the Wanaque North aqueduct pipeline; seconded by Commissioner Garofalo 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. 5 to Contract #1061 with GZA GeoEnvironmental, Inc. for Environmental Consulting Services for Commission Shooting Range Remediation**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 5 TO CONTRACT  
#1061 WITH GZA GEOENVIRONMENTAL, INC. FOR ENVIRONMENTAL  
CONSULTING SERVICES FOR COMMISSION SHOOTING RANGE  
REMEDiation**

**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 environmental firm to provide consulting engineering services associated with the final site assessment and site characterization of the Commission’s shooting range and supervision of subsequent remediation services (the “Environmental Consulting Services”); and

**WHEREAS**, on or about December 16, 2014, the Commission publicly advertised a request for qualifications and proposals for Environmental Consulting Services, referenced as RFP #012-2014, and received proposals from interested parties on or before February 3, 2015; and

**WHEREAS**, on or about February 25, 2015, the Commission adopted a resolution awarding GZA GeoEnvironmental, Inc. (“GZA”) a contract for the provision of Environmental Consulting Services for a not-to-exceed sum of \$130,000.00 (“Contract #1061”); and

**WHEREAS**, on or about February 22, 2017, the Commission adopted a resolution authorizing Change Order No. 1 to Contract #1061 in the not-to-exceed amount of \$44,000.00, to permit GZA to expand its soil sampling in the shooting range, include a case management strategy in the Remedial Investigation report, and to prepare and submit the application for a Freshwater Wetland General Permit, which is required to be completed and obtained before the start of any remediation on the shooting range; and

**WHEREAS**, on or about January 24, 2018, the Commission adopted a resolution authorizing Change Order No. 2 to Contract #1061 in the not-to-exceed amount of \$17,000.00, to permit GZA to provide a support of excavation design to prevent disruption and displacement of an underground gas pipeline and construction administration during the remediation of the shooting range; and

**WHEREAS**, on or about March 27, 2019, the Commission adopted a resolution authorizing Change Order No. 3 to Contract #1061 in the not-to-exceed amount of \$51,500.00, to permit GZA to complete certain necessary additional tasks including: slope stability analysis; restoration plan; bid specification update; soil erosion and sediment control plan to be submitted to the Hudson Essex Passaic Soil Conservation District; additional sampling, tree survey, New Jersey Department of Environmental Protection (“NJDEP”) pre-application meeting, Flood Hazard Area Individual Permit Application; residual fill testing, re-design of support excavation; topographic survey and contractor bid review; and

**WHEREAS**, on or about January 22, 2020, the Commission adopted a resolution authorizing Change Order No. 4 to Contract #1061 in the not-to-exceed amount of \$17,000.00 to complete certain necessary additional tasks including: soil sampling, creating a soil sampling plan, and inspecting and analyzing the soil for use as backfill material at the shooting range; and

**WHEREAS**, the Commission and GZA have determined that certain additional work, including remediation oversight, soil sampling, well abandonment and replacement, groundwater remediation monitoring, and post-remediation monitoring of abandoned wells (collectively, the “Additional Services”) is necessary; and

**WHEREAS**, at the request of the Commission, GZA submitted a proposal for Change Order No. 5 to Contract #1061 in the not-to-exceed amount of \$141,000.00 (“Changer Order No. 5”), outlining the tasks to conduct the Additional Services; and

**WHEREAS**, GZA has acknowledged that the 49 days allocated for Task 2 - Remediation Oversight may be significantly reduced, and GZA has agreed to provide the Commission a daily credit at the rate of \$782/day for each day reduced (this daily credit, along with the proposal, constitutes the “Proposal”); and

**WHEREAS**, Commission staff have examined the Proposal for Change Order No.5 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. 5; and

**WHEREAS**, the award of this Change Order No. 5 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 Change Order No. 5.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 5 to Contract #1061 with GZA is hereby approved in the not-to-exceed lump sum amount of \$141,000.00, to provide the Additional Services described in this resolution herein; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 5 to Contract #1061 in the amount of \$141,000 in accordance with the Proposal, and as set forth herein, with all other terms and conditions of Contract #1061, 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. 5 to Contract #1061 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. 5 to Contract #1061 with GZA GeoEnvironmental, Inc. for environmental consulting services for Commission shooting range remediation; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing Emergency Work Associated with Joint Leaks at the Belleville Reservoir**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING EMERGENCY WORK ASSOCIATED WITH  
JOINT LEAKS AT THE BELLEVILLE RESERVOIR**

**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 July 9, 2020 as a result of a routine inspection at the Belleville Reservoir, Commission staff found bell-and-spigot leaks emanating from a 48-inch gate valve chamber that serves as a take-off connection for Newark and Kearny; and

**WHEREAS**, because the Belleville Reservoir area is surrounded by residential homes, Commission staff found it imperative to repair these leaks expeditiously; and

**WHEREAS**, to address the leaks, repair clamps must be installed on the joints by an experienced contractor while the aqueduct is under pressure (the “Emergency Services”); and

**WHEREAS**, pursuant to its enabling legislation, N.J.S.A., 58:5-20, the Commission is entitled to undertake work by its own employees or outside contractors when the safety or protection of its or other public property or the public convenience requires, or the exigency of the situation will not allow for advertisement or public bidding to address any emergency conditions; and

**WHEREAS**, pursuant to Section I, Subsection I of its Purchasing Policies and Procedures Manual, the Commission may make purchases of materials and services without the necessity of public bidding when it is determined by the Commission’s Executive Director, and Chief Financial Officer (“CFO”) that an emergency exists; and

**WHEREAS**, based upon the recommendation of the Commission’s Engineering staff, the Commission’s Executive Director and CFO have determined that the aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

**WHEREAS**, the Commission has obtained a quote, attached hereto, for the Emergency Services from J. Fletcher Creamer and Son Inc. (“Creamer”) in the amount not to exceed \$40,000.00, a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services; and

**WHEREAS**, the Commission finds that Creamer’s rates and proposal are reasonable under the circumstances; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds will be available for the Emergency Services; and

**WHEREAS**, the Commission desires to authorize Creamer to perform the Emergency Services in accordance with its proposal.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the North Jersey District Water Supply Commission, in accordance with the provisions of N.J.S.A. 58:5-20 and Section I, Subsection I of its Purchasing Policies and Procedures Manual, that the aforementioned Emergency Services constitutes an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby ratifies the actions of the Executive Director and CFO of the Commission in determining that an emergency exists.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$40,000.00, in accordance with its proposal.

**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 emergency work associated with joint leaks at the Belleville Reservoir; seconded by Commissioner Garofalo 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 Consulting Engineering Services for Work Associated with Commission-Owned Dams: Formal Inspection/Dive Services**

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 CONSULTING ENGINEERING SERVICES FOR WORK  
ASSOCIATED WITH COMMISSION-OWNED DAMS: FORMAL  
INSPECTION/DIVE 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 has determined that it is necessary to retain the services of a firm specializing in consulting engineering services for work associated with Commission-owned Dams: Formal Inspection/Dive Services (the “Engineering Services”); and

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

**WHEREAS**, 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 June 9, 2020, the Commission publicly advertised a Request for Proposals for the work associated with the Engineering Services in accordance with requirements and specifications set forth therein (“RFP #004-2020”), and subsequently received seven proposals (the “Proposals”) on or about August 4, 2020 from various firms; and

**WHEREAS**, the Commission's evaluation committee reviewed and evaluated the Proposals and determined that French & Parrello Associates (“French & Parrello”), who submitted a proposal to perform the Engineering Services for a not-to-exceed amount of \$97,620.00 (the “Proposal”), submitted the most qualified, responsible, and responsive proposal for the Engineering Services, and has recommended that French & Parrello be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

**WHEREAS**, pursuant to RFP #004-2020, the work shall be completed within ninety days of the issuance of the Notice to Proceed; and

**WHEREAS**, the Commission desires to retain the services of French & Parrello to perform the Engineering Services in accordance with the Commission’s requirements as set forth in RFP #004-2020, the Proposal, 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 Engineering Services be awarded to French & Parrello as the most qualified, responsive, and responsible proposer in accordance with the Commission’s enabling legislation and applicable State law, for RFP #004-2020, for an amount not to exceed \$97,620.00.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Engineering Services, incorporating the Commission’s requirements as set forth in RFP #004-2020, the Proposal and any applicable law, rule or regulation.

**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.

**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 Cassella offered a motion to adopt the resolution authorizing the award and execution of a contract for consulting engineering services for work associated with Commission-owned dams: formal inspection/dive services; seconded by Commissioner Garofalo 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 Contract #2064 with CMS Construction, Inc. for Bridge Repairs at Stonetown Road and Fairfield Road**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT #2064 WITH CMS  
CONSTRUCTION, INC. FOR BRIDGE REPAIRS AT STONETOWN ROAD AND 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 Repairs 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 construction services associated with the Bridge Repairs at Stonetown Road and Fairfield Road (the “Project”) through which process it received four bids on or about May 6, 2020 from various firms; and

**WHEREAS**, on or about May 27, 2020, the Commission adopted a resolution awarding CMS Construction, Inc. (“CMS”) a contract for the provision of work associated with the Project for a not to exceed amount of \$125,000.00 (“Contract #2064”); and

**WHEREAS**, during the performance of Contract #2064, the Commission and CMS observed that another joint membrane at the Stonetown Road Bridge is damaged and has released from its locking channel, and that additional work relating to repairs for this second joint membrane are necessary; and

**WHEREAS**, during the performance of Contract #2064, the Commission and CMS also observed that the water pipe attached to the Fairfield Road Bridge is in need of repair that includes bracket hanger repair, and preparation and painting of the pipe with associated appurtenances, such general maintenance and upkeep of bridge appendices being a critical factor in the soundness of the bridge and in general to the Wanaque South Pump Station; and

**WHEREAS**, it has also since been determined that the Commission no longer needs to replace the southern guiderail approaches at the Fairfield Road Bridge, and CMS will issue a credit for same; and

**WHEREAS**, at the request of the Commission, CMS submitted Change Order No. 1 to Contract #2064 incorporating the aforementioned changes in the not-to-exceed amount of \$15,000.00 (“Change Order No. 1”), attached hereto; and

**WHEREAS**, Commission staff have examined CMS’s requested Change Order No. 1 to Contract #2064 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 Contract #2064; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2064 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 Change Order No. 1 to Contract #2064.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 in the amount of \$15,000.00 to Contract #2064 with CMS is hereby approved, increasing the Total Contract Amount of Contract #2064 to be a not-to-exceed lump sum amount of \$140,000.00.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2064 in the amount of \$15,000.00 in accordance with CMS’s proposal, with all other terms and conditions of Contract #2064, as amended, to remain unchanged.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2064 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

**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 change order no. 1 to Contract #2064 with CMS Construction, Inc. for bridge repairs at Stonetown Road and Fairfield Road; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing a Sole Source Purchase of the FlowCam Cyano Algae Particle Counter from Fluid Imaging Technologies**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SOLE SOURCE PURCHASE OF THE  
FLOWCAM CYANO ALGAE PARTICLE COUNTER FROM FLUID IMAGING  
TECHNOLOGIES**

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

**WHEREAS**, the Commission has a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to a significant number of New Jersey residents which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission conducted extensive research and an engineering evaluation of the VS-1 FlowCam unit purchased in April of 2016 (the “VS-1 FlowCam”) to accurately determine the abundance and concentration of cyanobacteria in the Commission’s watershed and in response to the United States Environmental Protection Agency’s (“USEPA”) requirement for additional harmful algae blooms (“HABs”) monitoring due to higher than normal HABs; and

**WHEREAS**, in April of 2016, the Commission authorized a sole source purchase of the VS-1 FlowCam that has been relied upon for the analysis of HABs samples along the Commission’s watershed depth sites; and

**WHEREAS**, the Commission staff has evaluated the VS-1 FlowCam’s effectiveness in analyzing HABs and concluded that it does not meet the necessary requirements to fully analyze the abundance of HABs in the Commission’s watershed and therefore, the Commission recommends that the VS-1 FlowCam be upgraded and replaced; and

**WHEREAS**, the Commission staff has researched alternate options to provide greater levels of effectiveness in responding to the abundance of HABs in the Commission’s watershed; and

**WHEREAS**, the Commission staff have determined that the FlowCam Cyano Particle Counter (the “FlowCam Cyano”) manufactured by Fluid Imaging Technologies (“Fluid Imaging”) is the best alternate to the VS-1 FlowCam in detecting and analyzing HABs; and

**WHEREAS**, Fluid Imaging is the sole manufacturer and sole distributor of the FlowCam Cyano in the U.S., and there are no alternative authorized dealers; and

**WHEREAS**, the price of the FlowCam Cyano is \$84,150.00 and with the discount for trade-in of \$18,915.00, the total price of the FlowCam Cyano comes to \$75,660, as further detailed in the price proposal attached hereto (the “Proposal”); and

**WHEREAS**, pursuant to the attached memorandum, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission has determined that Fluid Imaging constitutes a sole source provider of the equipment; 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 Fluid Imaging in the amount of \$75,660.00 for the sole source purchase of FlowCam Cyano for detecting and analyzing HABs in the Commission's watershed.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for Fluid Imaging.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such contracts and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman.

**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 a sole source purchase of the FlowCam Cyano Algae Particle Counter from Fluid Imaging Technologies; seconded by Commissioner Garofalo 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 Work Associated with the Filter Building Boiler Replacement Project**

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 WORK ASSOCIATED WITH THE FILTER BUILDING  
BOILER REPLACEMENT 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 determined there was a need to retain a qualified vendor to provide construction services associated with the Filter Building Boiler Replacement Project (the "Project") 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**, the Commission publicly advertised a bid solicitation for the Project ("Contract #2070") through which process it received seven bids on or about August 13, 2020 from various firms; and

**WHEREAS**, Commission staff has reviewed and evaluated the bids and determined that CJ Vanderbeck & Son, Inc. ("CJ Vanderbeck"), who submitted a base bid of \$234,000.00, and with quotes for Options #1-6, a Total Bid Price of \$564,000.00 (the "Proposal"), submitted the lowest conforming bid; and

**WHEREAS**, the Commission has examined the Proposal and has determined that the services and fees set forth therein are reasonable, necessary and appropriate, and has recommended that the Commission award and execute Contract #2070 with CJ Vanderbeck to perform the services required therein 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 #2070 for work associated with the Filter Building Boiler Replacement Project be awarded to CJ Vanderbeck as the lowest conforming bidder in accordance with the Commission's enabling legislation, applicable State law and the Commission's Purchasing Policies and Procedures Manual, for an amount not to exceed \$564,000.00.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Filter Building Boiler Replacement Project, incorporating the Commission's requirements as set forth in Contract #2070 and any supplements thereto, the Proposal, and any applicable law, rule or regulation.

**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.

**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 a contract for work associated with the filter building boiler replacement project; seconded by Commissioner Garofalo 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 Cassella offered a motion to approve the Wanaque North Operating Account in the amount of \$11,405,444.67; seconded by Commissioner Garofalo 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 #59080.

**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 \$3,932,606.69; seconded by Commissioner Garofalo 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 \$623,079.74; seconded by Commissioner Garofalo 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 9:42 a.m.; seconded by Commissioner Garofalo 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