

**NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION**

**PUBLIC COMMISSION MEETING**

**WEDNESDAY, MAY 26, 2021**

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, May 26, 2021 at 9:00 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

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

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 and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:03 a.m.

Chairman Burrell reconvened the Public Meeting at 9:37 a.m.

**PUBLIC COMMISSION BUSINESS**

**ACTION REQUIRED:**

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of April 28, 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

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Commissioner Cassella offered a motion to approve the Public Work Session Minutes of April 28, 2021; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Kuser offered a motion to approve the Purchase Requisitions over \$5000 Report for May 2021 in the amount of \$62,300.00; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**Commission Invoices:**

- a. **Invoice #1083-47 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$173,011.50**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-09 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$19,103.21**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #436981 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$6,094.17**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #46476 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$19,800.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(d) for payment.
- e. **Invoice #47021 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$35,856.11**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #13 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$1,487.50**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(f) for payment.
- g. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$5,818.75**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(g) for payment.
- h. **Invoice #22746 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$11,645.00**  
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(h) for payment.
- i. **Invoice #2070-3 from C.J. Vanderbeck & Son, Inc. for Contract #2070 – Filter Building Boiler Replacement in the amount of \$139,175.00**  
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(i) for payment.
- j. **Various Invoices from C. Dougherty & Co., Inc. for Contract #2076 – Low Lift Pump Station VFD Cooling Project in the amount of \$49,533.00**

Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(j) for payment.

- k. Invoice #813579 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$10,000.00**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(k) for payment.
- l. Invoice #0808390 from GZA GeoEnvironmental, Inc. for Contract #2024 – Formal Dam Inspection in the amount of \$4,125.00**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Invoice #91330-1622 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$19,200.00**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(m) for payment.
- n. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Admin for Clarifier Rehab 1-4 in the amount of \$243,117.82**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(n) for payment.
- o. Invoice E6X94200018 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$10,650.63**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(o) for payment.
- p. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$28,264.36**  
Maria Alliegro, Director of Facilities, James Stachura, Project Engineer, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(p) for payment.
- q. Invoice #E6X96100013 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$3,186.36**  
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(q) for payment.

Commissioner Kuser offered a motion to approve invoices 3(a) through 3(q); seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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

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**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 and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order #6 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. 6 TO CONTRACT  
#1061 WITH GZA GEOENVIRONMENTAL, INC. FOR ENVIRONMENTAL  
CONSULTING SERVICES FOR COMMISSION SHOOTING RANGE  
REMEDATION**

**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

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**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**, on or about August 26, 2020, the Commission adopted a resolution authorizing Change Order No. 5 to Contract #1061 in the not-to-exceed amount of \$141,000.00 to complete certain necessary additional tasks including: remediation oversight, soil sampling, well abandonment and replacement, groundwater remediation monitoring, and post-remediation monitoring of abandoned wells; and

**WHEREAS**, the Commission and GZA have determined that certain additional tasks are necessary, including additional post excavation samples due to the amount of contamination found at the site and an updated Soil Erosion Control Plan required the by the Hudson-Essex-Passaic Soil Conservation District (collectively, the “Additional Services”); and

**WHEREAS**, GZA submitted a proposal for Change Order No. 6 to Contract #1061 in the not-to-exceed amount of \$9,200.00 (“Changer Order No. 6”), outlining a plan of action to conduct the Additional Services; and

**WHEREAS**, Commission staff have examined the Proposal for Change Order No.6 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. 6; and

**WHEREAS**, the award of this Change Order No. 6 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. 6.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 6 to Contract #1061 with GZA is hereby approved in the not-to-exceed lump sum amount of \$9,200.00, 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. 6 to Contract #1061 in the amount of \$9,200.00 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. 6 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 #6 to Contract #1061 with GZA GeoEnvironmental Inc. for environmental consulting services for Commission shooting range remediation; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Emergency Work with Stone Hill Contracting Co., Inc. Associated with the Full Filter Rehabilitation of Filter 1**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING EMERGENCY WORK WITH STONE  
HILL CONTRACTING CO., INC. ASSOCIATED WITH THE FULL FILTER  
REHABILITATION OF FILTER 1**

**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

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**WHEREAS**, on March 24, 2021, due to a major failure at Filter 1, the Board of Commissioners approved Emergency Resolution #1983 to Stone Hill Contracting Co. Inc. (“SHC”) for the removal of all gravel, sand and anthracite, as well as the cleaning of underdrain surface for inspection of the filter’s north bay as “Part 1” of the repair for an amount not-to-exceed \$80,389.00; and

**WHEREAS**, the work was completed under budget and SHC submitted their invoice in the amount of \$42,403.79; and

**WHEREAS**, in addition, Water Service Professionals (“WSP”), a well-recognized filter expert, was contracted to perform a third-party inspection of the underdrain blocks to determine their overall condition and extent of the damage; and

**WHEREAS**, on April 28, 2021, the Commission approved Resolution #1987 to replace a total of 74 blocks and install new filter gravel, sand and anthracite; and

**WHEREAS**, the removal of these blocks exposed the adjacent blocks to further inspections, and during such inspections, cracks were observed in the internal vertical webs of the hollow sounding blocks which raised concern over the viability of all the block installed in 1999; and

**WHEREAS**, the Commission’s filters are critical to the supply of safe drinking water and the loss of a single filter reduces the Commission’s ability to treat water by 15 million gallons per day and places additional stress on the remaining filters; and

**WHEREAS**, the immediate repair or replacement of the filter is an exigent matter involving public safety because in recent years the Commission has experienced unusually high algae levels which has made filtration more challenging than normal, and it is anticipated that increased summer water flows and seasonal reservoir turnover will place additional stress on the treatment process and filters; and

**WHEREAS**, pricing estimates demonstrated that piecemeal repairs would not be the most desirable and cost efficient approach, and so the Commission requested competitive quotes via letter (the “Quotes Solicitation”) for a complete underdrain replacement of both the north and south bays with new stainless steel underdrain technology from two contractors, SHC and WSP, with SHC providing the lower cost proposal for a price not to exceed \$1,337,222.00 (the “SHC Proposal”); and

**WHEREAS**, as further detailed in Engineering Memo ENG #21-13, dated May 18, 2021 (the “Engineering Memo”), attached hereto, the concrete repair work would include crack injection, spall repair, and epoxy coating of the walls for protection and longevity, and with the exact nature of this work unknown until the demolition is completed, the Commission staff have estimated approximately \$250,000.00 based on unit costs and preliminary quantity estimates in SHC’s quotation, bringing the total not to exceed amount of the work to \$1,587,222.00; and

**WHEREAS**, as set forth above and as per the Engineering Memo, it is recommended that the Commission stop all efforts to repair the filter and instead award SHC an emergency purchase order for the complete rehabilitation of the entire Filter #1 with a new stainless steel underdrain system and repair of the concrete filter box in an amount not-to-exceed \$1,587,222.00 (the “Emergency Services”); and

**WHEREAS**, all funds in the amount of \$375,000.00 authorized on April 28, 2021 via Resolution #1987, regarding the filter repair, can be applied towards this work; 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 finds that SHC has prior experience with the Commission’s filters, is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, and that its rates and the SHC Proposal are reasonable under the circumstances; and

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

**Commented [A1]:** The replacement of the blocks, and installation of new gravel, sand and anthracite was not completed. The ENG Memo refers to the removal of the blocks being completed.

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**WHEREAS**, the Commission desires to authorize SHC to perform the Emergency Services in accordance with the Quotes Solicitation, the SHC Proposal, and this resolution.

**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 and ratifies the retention of SHC to undertake the Emergency Services in an emergent fashion, without public bidding, in accordance with the Quotes Solicitation, the SHC Proposal, and this resolution, in an amount not to exceed \$1,587,222.00.

**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 authorizing emergency work with Stone Hill Contracting Co., Inc. associated with the full filter rehabilitation of filter 1; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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 \$15,084,237.22; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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 Garofalo offered a motion to approve the Wanaque South Operating Account in the amount of \$9,996,744.25; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo 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 Garofalo offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$465,615.62; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:44 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond  
Commission Secretary