

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, AUGUST 25, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, August 25, 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, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser, Robert C. Garofalo and James L. Cassella participated via teleconference. Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Janice Venables, Associate Counsel of the Governor's Authority 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 Cassella offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer 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 9:19 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

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

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

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2021 in the amount of \$123,379.06; 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.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:****Commission Invoices:**

- a. **Invoice #1083-50 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$299,543.17**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #453812 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$7,801.99**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #48198 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$13,889.00**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #23029 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$4,110.00**  
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(d) for payment.
- e. **Invoice #63240 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$450.00**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #SMA-M0621-24866 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$983.72**  
Michael Broncatello, Comptroller approved invoice 3(f) for payment.
- g. **Various Invoices from The BNY Mellon – NJ Infrastructure Bank Bond Trustee Fees in the amount of \$10,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(g) for payment.
- h. **Various Invoices from McPhee Electric (formerly JBL) for Contract #1092 – Electrical Upgrades to Low Lift Pump Station in the amount of \$48,178.50**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(h) for payment.
- i. **Various Invoices from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$51,929.21**  
Maria Alliegro, Director of Engineering and Michael Dox, Plant Electrical Engineer approved invoice 3(i) for payment.
- j. **Invoice #127325 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$11,600.00**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(j) for payment.

- k. Various Invoices from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$18,900.00**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(k) for payment.
- l. Invoice #241855 from Go Organic Lawn & Tree Care for Contract #2067 – Vegetation Management in the amount of \$8,750.00**  
Robert Malone, Manager of GFM approves invoice 3(l) for payment.
- m. Invoice #2018-025-2 from Paving Materials & Contracting, LLC for Contract #2031 – Concrete Footings for Tank Enclosure in the amount of \$2,182.16**  
James Stachura, Project Engineer and Ed Newman, Construction Manager approved invoice 3(m) for payment.
- n. Invoice #47302 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$34,650.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(n) for payment.
- o. Invoice #2028-08 from Systems Electronic, Inc. for Contract #2028 – Fire Alarm Upgrade in the amount of \$13,500.00**  
Maria Alliegro, Director of Engineering and Ed Newman, Construction Manager approved invoice 3(o) for payment.
- p. Invoice E6X94200021 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$6,386.34**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(p) for payment.
- q. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$2,618.36**  
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(q) for payment.

Vice Chairman Shotmeyer offered a motion to approve invoices 3(a) through 3(q); 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.

**Resolution – Authorizing Amendment No. 2 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. 2 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**, additional work relating to compliance with the America’s Water Infrastructure Act of 2018/Risk and Resilience Assessment and related certification to the United States Environmental Protection Agency (“USEPA”) required an additional budget of \$50,000 for Contract Year 1; and

**WHEREAS**, on July 22, 2020, the Commission authorized Amendment No. 1 to Contract #2061 which increased the not-to-exceed amount for Contract Year 1 (2020) to be \$300,000.00; and

**WHEREAS**, for Contract Year 2 (2021), it became necessary for Jacobs to provide engineering services on certain items that have already consumed the majority of the Contract Year 2 budget, including consulting and expert analysis for the Ringwood Mines Site, SCADA Upgrade at Pompton Lake Dam, and evaluation of underground storage tank replacements; and

**WHEREAS**, as there are still five (5) months remaining for the year, the Commission Staff recommends issuing a contract amendment in the amount of \$150,000, increasing the not-to-exceed amount of Contract #2061 from \$250,000 to \$400,000 for Contract Year 2 (“Amendment No. 2”) so that Jacobs may continue to provide engineering services through the end of 2021; and

**WHEREAS**, Commission staff have examined Amendment No. 2 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. 2 to Contract #2061; and

**WHEREAS**, the award of this Amendment No. 2 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. 2 to Contract #2061.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 2 to Contract #2061 with Jacobs adding \$150,000 to Year 2 (2021) of Contract #2061 is hereby approved, bringing the total authorized contract in Year 2 (2021) to a not-to-exceed amount of \$400,000; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 2 to Contract #2061, with all other terms and conditions of Contract #2061, as amended, to remain unchanged; and

**BE IT FURTHER RESOLVED** that Chairman or Vice Chairman of the Commission is hereby authorized to execute Amendment No. 2 to Contract #2061, 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 Kuser offered a motion to adopt the resolution authorizing Amendment No. 2 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, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order No. 7 to Contract #1061 with GZA Environmental, 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. 7 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

**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**, on or about May 26, 2021, the Commission adopted a resolution authorizing Change Order No. 6 to Contract #1061 in the not-to-exceed amount of \$9,200.00 to complete certain necessary additional tasks 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; and

**WHEREAS**, the Commission and GZA have determined that certain additional tasks are necessary, including work associated with the redevelopment and additional sampling of MW-6, surge blocking and purging of groundwater by a licensed driller to remove accumulated sediment in MW-6 and additional groundwater samples to confirm that the groundwater contaminant levels remain below the NJ Groundwater Quality Standards. (collectively, the “Additional Services”); and

**WHEREAS**, GZA submitted a proposal (the “Proposal”) for the Additional Services for Contract #1061 in the not-to-exceed amount of \$14,000.00 (“Changer Order No. 7”), outlining a plan of action to conduct the Additional Services; and

**WHEREAS**, Commission staff have examined the Proposal for Change Order No.7 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. 7; and

**WHEREAS**, Commission staff have examined the Proposal for Change Order No.7 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. 7; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 7.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 7 to Contract #1061 with GZA is hereby approved in the not-to-exceed lump sum amount of \$14,000.00, 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. 7 to Contract #1061 in the amount of \$14,000.00 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. 7 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 Kuser offered a motion to adopt the resolution authorizing Change Order No. 7 to Contract #1061 with GZA GeoEnvironmental, Inc. for environmental consulting services for Commission shooting range remediation; 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.

**Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment**

Commission Secretary Kim Diamond read the following resolution:

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

**WHEREAS**, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (“Commission”) is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

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

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

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

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

**WHEREAS**, the Commission had previously authorized the sale of surplus vehicles and equipment through GovDeals, a state contract online government surplus auction website; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves and authorizes the sale and

disposition of surplus vehicles and equipment identified on Exhibit A attached hereto through GovDeals as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with its terms and conditions.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9; and

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

Commissioner Kuser offered a motion to adopt the resolution authorizing the online sale of surplus vehicles and equipment; 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.

**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 \$7,457,320.78; 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 abstained from check #61559.

**Wanaque South 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 Operating Account in the amount of \$2,125,035.09; 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.

**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 \$614,048.23; 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.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:29 a.m.; 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.

Respectfully submitted,

Kim Diamond  
Commission Secretary