

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, OCTOBER 27, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, October 27, 2021 at 9:01 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, 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 Jamera Sirmans, 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 Ashkinaze offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:29 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

Commissioner Ashkinaze offered a motion to approve the Public Commission Meeting Minutes of September 22, 2021; 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 Kuser offered a motion to approve the Public Work Session Minutes of September 22, 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for October 2021 in the amount of \$135,615.81; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:**

None

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

- a. **Invoice #1083-52 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$153,021.77**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #1096-30 from Stone Hill Construction for Contract #1096 – Clarifier System Rehabilitation in Basin 5 & 6 in the amount of \$161,192.47**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(b) for payment.
- c. **Invoice #466091 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$6,219.99**  
Paul Serillo, Director of Facilities and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #49131 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$6,079.60**  
Paul Serillo, Director of Facilities and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$18,495.00**  
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(e) for payment.
- f. **Invoice #SMA-M0821-25973 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,018.24**  
William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.
- g. **Invoice #15 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$875.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(g) for payment.
- h. **Various Invoices from GZA GeoEnvironmental, Inc. for Contract #2079 – Pompton Dam Spillway Apron Investigation in the amount of \$17,758.00**  
Paul Serillo, Director of Facilities and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Invoice #47819 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$44,550.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(i) for payment.
- j. **Various Invoices from DLB Associates Consulting Engineers for Contract #1045 – Electrical Infrastructure Study – Release of Retainage in the amount of \$28,801.00**

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

- k. Invoice #128094 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$13,000.00**  
Paul Serillo, Director of Facilities and James Stachura, Project Engineer approved invoice 3(k) for payment.
- l. Invoice #4 from C. Dougherty & Co., Inc. for Contract #2076 – Low Lift Pump Station VFD Cooling Project in the amount of \$32,735.10**  
Michael Dox, Plant Electrical Engineer and James Stachura, Project Engineer approved invoice 3(l) for payment.
- m. Invoice #1 from Michael J. Malpere Co., Inc. for Contract #2080 – Repointing and Waterproofing Lower Gate House in the amount of \$23,750.00**  
James Stachura, Project Manager and Ed Newman, Construction Manager approved invoice 3(m) for payment.
- n. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$99,346.18**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(n) for payment.
- o. Invoice E6X94200023 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$2,762.67**  
Paul Serillo, Director of Facilities 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 \$15,960.86**  
Paul Serillo, Director of Facilities, Chris Clamser, Project Engineer, Les Malytskyy, Engineering Project Manager and Ed Newman, Construction Manager approved invoice 3(p) for payment.
- q. Invoice #E6X96100018 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$7,849.55**  
Paul Serillo, 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 – Approving the Reallocation of Capital Budget Appropriations**

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

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

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

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

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

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

**Resolution – Approving the Execution of Joint Funding Agreement No. 22LJJFA28 Between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION APPROVING THE EXECUTION OF JOINT FUNDING  
AGREEMENT NO. 22LJJFA28 BETWEEN U.S. GEOLOGICAL SURVEY,  
UNITED STATES DEPARTMENT OF THE INTERIOR AND THE NORTH  
JERSEY DISTRICT WATER SUPPLY COMMISSION**

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

**WHEREAS**, the Commission is the holder of certain permits ("Permits") issued by the New Jersey Department of Environmental Protection ("NJDEP") that allow it to pump water from both the Passaic River and Ramapo River as needed; and

**WHEREAS**, as a condition of the Permits, the Commission is required to investigate and monitor the water resources in conjunction with the U.S. Geological Survey, United States Department of the Interior ("USGS"); and

**WHEREAS**, the Commission is in receipt of Joint Funding Agreement No. 22LJJFA28 (the "Agreement") with the USGS for the purpose of: (1) continuing the investigation and monitoring the water resources, specifically the operation and maintenance of two (2) continuous-record discharge gaging stations at Ringwood Creek near Wanaque and Wanaque River in Wanaque, which are key points in the Wanaque River basins; (2) continuing the investigation and monitoring of the Passaic River near Two Bridges and Ramapo River at Pompton Lakes, recording hourly water temperature, pH, specific conductance, and dissolved oxygen percent saturation, and (3) two (2) surface water low-flow sites, and a stage-only gage station; and

**WHEREAS**, the Agreement states that the Commission will contribute the sum of \$183,305 to the USGS, for the period from October 1, 2021 to September 30, 2022, to cover the cost of the necessary field and analytical work as set forth in the Agreement; and

**WHEREAS**, the Commission desires to approve the execution of the Agreement and authorize the payments in accordance therewith.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves the execution by the Executive Director of Joint Funding Agreement No. 22LJFA28 between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission effective October 1, 2021 to September 30, 2022; and

**BE IT FURTHER RESOLVED**, that the Commission authorizes the payment to the USGS in accordance with the terms of the Agreement; 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 execution of Joint Funding Agreement No. 22LJFA28 between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission; 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 the Second Renewal Option and One Year Extension for the Furnishing and Delivery of Powder Activated Carbon (Contract #2033) and Hydrated Lime (Contract #2037)**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE SECOND RENEWAL OPTION AND ONE  
YEAR EXTENSION FOR THE FURNISHING AND DELIVERY OF POWDER  
ACTIVATED CARBON (CONTRACT #2033) AND HYDRATED LIME  
(CONTRACT #2037)**

**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 previously determined there was a need to procure various chemicals, including Powder Activated Carbon and Hydrated Lime (the “Various Chemicals”) to be used at the Water Filtration Plant in the treatment and provision of potable water; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-20, the Commission previously publicly advertised for bids for the furnishing and delivery of the Various Chemicals, and on or about November 28, 2018, via Resolution No. 1820 awarded various chemical contracts, including Contracts #2033 and #2037 as follows:

1. Contract #2033 – Powder Activated Carbon (“Contract #2033”)  
Calgon Carbon Corporation (“Calgon Carbon”) for \$2,040/ton
2. Contract #2037 – Hydrated Lime (“Contract #2037”)  
Greer Lime Company (“Greer Lime”) for \$196.50/ton

**WHEREAS**, the Commission awarded Contracts #2033 and #2037 for an initial two-year term, with the right to renew them for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contracts; and

**WHEREAS**, by Resolution No. 1950 dated October 28, 2020, the Commission authorized the one (1) year extensions to Contract #2033 with Calgon Carbon and Contract #2037 with Greer Lime under the same terms and conditions of their original contracts; and

**WHEREAS**, the Commission finds that the aforementioned vendors have supplied their respective chemical contracts in an effective and satisfactory manner over the initial two-year term and the one-year renewal term, and desires to extend these chemical contracts under the second renewal option for an additional one-year period upon the same terms and conditions set forth in each of their original Contracts; and

**WHEREAS**, the award of this second renewal and one-year extension of Contracts #2033 and #2037 are 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 are available for the renewal of Contracts #2033 and #2037.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contracts #2033 and #2037 for the furnishing and delivery of Powder Activated Carbon and Hydrated Lime, respectively, be and are hereby extended for the second one year extension from November 25, 2021 through November 24, 2022 upon the same terms and conditions set forth in their original Contracts; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare the second one-year extensions of Contracts #2033 and #2037 upon the same terms and conditions of the original contracts; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute extensions to Contracts #2033 and #2037 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 the second renewal option and one year extension for the furnishing and delivery of powder activated carbon (Contract #2033) and hydrated lime (Contract #2037); seconded by Commissioner Garofalo 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. 1 and Extension No. 2 to Contract #2036 with Shannon Chemical Corp. for Liquid Non-Zinc Orthophosphate**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 AND EXTENSION  
NO. 2 TO CONTRACT #2036 WITH SHANNON CHEMICAL CORP. FOR  
LIQUID NON-ZINC ORTHOPHOSPHATE**

**WHEREAS**, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (the "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 that there was a need to procure **LIQUID NON-ZINC ORTHOPHOSPHATE** to be used at the Water Filtration Plant in the treatment and provision of potable water for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-20, the Commission publicly advertised for bids for the furnishing and delivery of **LIQUID NON-ZINC ORTHOPHOSPHATE** and received proposals from interested parties on or before November 9, 2018; and

**WHEREAS**, thereafter the Commission evaluated the proposals and adopted Resolution No. 1820 dated November 28, 2018 authorizing the award and execution of Contract No. 2036 ("Contract No. 2036") to Shannon Chemical Corp. ("Shannon") for the price of Five Hundred Seventy Seven Dollars and Fifty Seven Cents (\$577.57) per ton for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of Contract No. 2036; and

**WHEREAS**, on or about October 28, 2020, the Commission adopted Resolution No. 1950, authorizing a one-year extension of Contract No. 2036 under the same terms and conditions as outlined in Contract No. 2036; and

**WHEREAS**, the Commission having been satisfied with Shannon, on August 31, 2021, relayed the Commission's request to Shannon to invoke its second renewal option and one (1) year extension for Contract #2036 under the same terms and conditions ("Extension No. 2"); and

**WHEREAS**, on August 31, 2021, Shannon notified the Commission that it cannot extend Contract #2036 for an additional year without price relief; and

**WHEREAS**, Shannon has represented that it has experienced increased costs due to the current unstable phosphate market, and that one of its raw material producers has relayed Force Majeure circumstances; and

**WHEREAS**, Shannon respectfully requests Extension No. 2 with price relief for the aforementioned reasons, and proposes to supply the Liquid Non-Zinc Orthophosphate at the delivered price of Eight Hundred Forty-Seven Dollars (\$847.00) per ton effective November 25, 2021 through November 24, 2022; and

**WHEREAS**, at the request of the Commission, Shannon submitted Change Order No. 1 to Contract #2036 for the price increase from \$577.57/ton to \$847.00/ton due to the aforementioned issues and other vendors experiencing the same conditions ("Change Order No. 1"); and

**WHEREAS**, Commission staff have examined Shannon's requested Change Order No. 1 and Extension No. 2 to Contract #2036 have determined that the goods and fees set forth therein are reasonable, necessary and appropriate, and recommended that the Commission approve Change Order No. 1 and Extension 2 to Contract #2036; and

**WHEREAS**, the award of this Change Order No. 1 and Extension No. 2 to Contracts #2036 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 and Extension No. 2 to Contract #2036.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 and Extension No. 2 to Contract #2036 with Shannon are hereby approved, increasing the price from \$577.57/ton to \$847.00/ton for Liquid Non-Zinc Orthophosphate during the second renewal term; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare the renewal for Contract #2036, incorporating Change Order No. 1, with all other terms and conditions of Contract #2036 to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal for Contract #2036 incorporating Change Order No. 1, 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 Garofalo offered a motion to adopt the resolution authorizing change order no. 1 and extension no. 2 to Contract #2036 with Shannon Chemical Corp. for liquid non-zinc orthophosphate; 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. 1 and Extension No. 2 to Contract #2032 with JCI Jones Chemical, Inc. for Sodium Hypochlorite**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 AND EXTENSION  
NO. 2 TO CONTRACT #2032 WITH JCI JONES CHEMICAL, INC. FOR  
SODIUM HYPOCHLORITE**

**WHEREAS**, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (the "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 that there was a need to procure **SODIUM HYPOCHLORITE** to be used at the Water Filtration Plant in the treatment and provision of potable water for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-20, the Commission publicly advertised for bids for the furnishing and delivery of SODIUM HYPOCHLORITE and received proposals from interested parties on or before November 9, 2018; and

**WHEREAS**, thereafter the Commission evaluated the proposals and adopted Resolution No. 1820 dated November 28, 2018 authorizing the award and execution of Contract No. 2032 ("Contract No. 2032") to JCI Jones Chemical, Inc. ("JCI") at a price of Eighty Cents (\$.80) per gallon for an initial two-year term, with the right to renew for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of Contract No. 2032;

**WHEREAS**, on or about October 28, 2020, the Commission adopted Resolution No. 1950, authorizing a one-year extension of Contract No. 2032 under the same terms and conditions as outlined in Contract No. 2032, and

**WHEREAS**, the Commission having been satisfied with JCI on September 6, 2021, relayed the Commission's request to JCI to invoke its second renewal option and one (1) year extension for Contract #2032 under the same terms and conditions ("Extension No. 2"); and

**WHEREAS**, on September 6, 2021, JCI notified the Commission that it cannot extend Contract #2032 for an additional year without price relief; and

**WHEREAS**, JCI has represented that it has experienced increased costs due to global chlorine shortage which has increased the cost of raw materials (chlorine and caustic soda); and

**WHEREAS**, JCI respectfully requests Extension No. 2 with price relief for the aforementioned reasons, and proposes to supply the Sodium Hypochlorite at the delivered price of one dollar and sixty-five cents (\$1.65) per gallon effective November 25, 2021 through November 24, 2022; and

**WHEREAS**, at the request of the Commission, JCI submitted Change Order No. 1 to Contract #2032 for the price increase from \$0.80/gal to \$1.65/gal due to the aforementioned issues and other vendors experiencing the same conditions ("Change Order No. 1"); and

**WHEREAS**, Commission staff have examined JCI's requested Change Order No. 1 and Extension No. 2 to Contract #2032 have determined that the goods and fees set forth therein are reasonable, necessary and appropriate, and recommended that the Commission approve Change Order No. 1 and Extension 2 to Contract #2032; and

**WHEREAS**, the award of this Change Order No. 1 and Extension No. 2 to Contracts #2032 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 and Extension No. 2 to Contract #2032.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 and Extension No. 2 to Contract #2032 with JCI are hereby approved, increasing the price from \$0.80/gal to \$1.65/gal for Sodium Hypochlorite during the second renewal term; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare the renewal for Contract #2032, incorporating Change Order No. 1, with all other terms and conditions of Contract #2032 to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal for Contract #2032 incorporating Change Order No. 1, 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 Garofalo offered a motion to adopt the resolution authorizing change order no. 1 and extension no. 2 to Contract #2032 with JCI Jones Chemical, Inc. for sodium hypochlorite; 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. 1 to Contract #2080 with Michael J. Malpere Co., Inc. for Work Associated with Lower Gate House Stone Pointing and Waterproofing Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT  
#2080 WITH MICHAEL J. MALPERE CO., INC FOR WORK ASSOCIATED  
WITH LOWER GATE HOUSE STONE POINTING AND WATERPROOFING  
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 was necessary to retain the services of a qualified contractor to provide Lower Gate House Stone Pointing and Waterproofing services (the “Services”); 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 May 7, 2021, the Commission publicly advertised a Bid Specification for work associated with Services and requested bidders to propose an amount for the Base Bid plus Option 1 (“Contract #2080”) in accordance with the requirements and specifications set forth therein, and subsequently received eleven (11) bids from interested firms on or about June 7, 2021; and

**WHEREAS**, after review of the bids, the Commission's evaluation committee made a recommendation to award to Michael J. Malpere Co., Inc. (“Malpere”) as the lowest conforming bid that had included satisfactory qualification requirements for the Services; and

**WHEREAS**, on or about June 23, 2021, the Commission adopted a resolution awarding Malpere a contract for Contract #2080, for a total not-to-exceed amount of \$49,000.00; and

**WHEREAS**, during performance of Contract #2080 and as part of the stone repointing work, it was determined that additional work would be necessary to secure loose stones encountered during the removal of existing stone mortar joints, to remove deteriorated areas of sandstone with hand held grinders and to replace the damaged areas with new stone repair mortar (the “Additional Work”); and

**WHEREAS**, as a result of the aforementioned and per request of the Commission staff, Malpere submitted a proposal to perform the Additional Work for an amount not to exceed \$9,000.00, as further set forth in the attached change order (“Change Order No.1”); and

**WHEREAS**, Commission staff have examined Malpere’s requested Change Order No. 1 to Contract #2080 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 #2080; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2080 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 #2080.

**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 \$9,000.00 to Contract #2080 with Malpere is hereby approved, amending Contract #2080 such that the total not-to-exceed amount shall be \$58,000.00; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No.1 to Contract #2080 in accordance with Malpere’s proposal, with all other terms and conditions of Contract #2080, as amended, to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2080 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Commissioner Garofalo offered a motion to adopt the resolution authorizing change order no. 1 to Contract #2080 with Michael J. Malpere Co., Inc. for work associated with Lower Gate House stone pointing and waterproofing 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 the Second Renewal Option and One Year Extension to Contract #2040 with USI Insurance Services for Risk Management and Insurance Coverage Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE SECOND RENEWAL OPTION AND ONE  
YEAR EXTENSION TO CONTRACT #2040 WITH USI INSURANCE SERVICES  
FOR RISK MANAGEMENT AND INSURANCE COVERAGE 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 (“State”), 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 previously determined there was a need to retain the services of an insurance broker to assist the Commission with its risk management insurance needs for a two-year term with two additional one-year terms at the option of the Commission (the “Insurance Brokerage Services”); and

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

**WHEREAS**, on or about August 15, 2018, the Commission publicly advertised and issued a request for proposal and qualification statements (“RFP #006-2018”) for the provision of Insurance Brokerage Services and received proposals from interested parties; and

**WHEREAS**, the Commission’s evaluation committee reviewed the proposals and qualification statements determined that USI Insurance Services (“USI”) submitted the most responsible and complying proposal for the performance of the Insurance Brokerage Services, based upon predetermined criteria set forth in RFP #006-2018; and

**WHEREAS**, the Commission’s evaluation committee recommended that USI be awarded the contract (“Contract #2040”) in accordance with the Commission’s enabling legislation and applicable State law as the most qualified and responsible proposer, considering its experience and pricing proposal; and

**WHEREAS**, USI proposed a not-to-exceed contract price of \$70,000.00 per year for the Insurance Brokerage Services and the Commission determined that the price was reasonable; and

**WHEREAS**, of USI’s proposed price of \$70,000.00 per year, USI additionally proposed that the price be made up of a \$40,000.00 annual service fee and commission with a cap of \$30,000.00, with a stipulation that if the commission received by USI at any point exceeds \$30,000.00, USI will reduce the average annual service fee so that the total annual contract price does not exceed \$70,000.000 (the “USI Proposal”); and

**WHEREAS**, by Resolution No. 1808 dated October 24, 2018, in accordance with the Commission’s RFP #006-2018 and the USI Proposal, the Commission authorized the award and execution of Contract #2040 with USI for Insurance Brokerage Services; and

**WHEREAS**, on or about September 23, 2020, the Commission adopted Resolution No. 1943, authorizing a one-year extension of Contract #2040 under the same terms and conditions as outlined in Contract #2040, and reserving the right to extend the contract for a second renewal under the same terms and conditions; and

**WHEREAS**, the Commission has been satisfied with USI, and wishes to invoke its second renewal option and one (1) year extension to Contract #2040 from November 1, 2021 through October 31, 2022 under the same terms and conditions; and

**WHEREAS**, the renewal of Contract #2040 is necessary for the efficient operation of the Commission; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds are available for the renewal of Contract #2040.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2040 with USI is hereby renewed for a term of one (1) year, to October 31, 2022, to provide the Insurance Brokerage Services as described in Contract #2040; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare the renewal under the same terms and conditions as Contract #2040; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2040 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 Garofalo offered a motion to adopt the resolution authorizing the second renewal option and one year extension to Contract #2040 with USI Insurance Services for risk management and insurance coverage services; 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 First Renewal Option and One Year Extension to Contract #2059 with RVH Mulch Supply, LLC for the Management and Removal of the Wanaque Water Treatment Plant Residuals**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE  
YEAR EXTENSION TO CONTRACT #2059 RVH MULCH SUPPLY, LLC FOR  
THE MANAGEMENT AND REMOVAL OF THE WANAQUE WATER  
TREATMENT PLANT RESIDUALS**

**WHEREAS**, pursuant to N.J.S.A. 58:5-1 et seq., the North Jersey District Water Supply Commission (the “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 vendors to provide services associated with the management and removal of residuals from the Wanaque Water Treatment Plant (“WWTP”), including the trucking and management of the beneficial reuse process (the “Services”); and

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

**WHEREAS**, the Commission previously publicly advertised and solicited bids on July 6, 2018 and August 27, 2018, through which process it received bids from Beneficial Soil (“**Beneficial**”) and Landscape Materials Inc. (“LMI”), each of which was reviewed by Commission staff and deemed to be unsatisfactory and unresponsive; and

**WHEREAS**, pursuant to N.J.S.A. 58:5-20 and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission may directly award a contract after the issuance of two solicitations through which no satisfactory responses were received; and

**WHEREAS**, the Commission executed contracts with LMI and Beneficial through direct negotiation; and

**WHEREAS**, the Commission needed to retain an additional qualified vendor to provide the Services as LMI and Beneficial could only dispose of a certain amount of WWTP residuals pursuant to regulatory requirements imposed by the State of New Jersey's Department of Environmental Protection; and

**WHEREAS**, the Commission obtained a quote from RVH Mulch Supply, LLC ("RVH") to provide the Services for a price of \$33.00/cubic yard with RVH performing both the loading and trucking, \$30.00/cubic yard with the Commission performing the loading onto RVH trucks, and \$29.00/cubic yard when the Commission delivers to RVH (the "RVH Proposal"); and

**WHEREAS**, on November 1, 2019, the Commission and RVH executed Contract #2059 ("Contract #2059"), wherein the term of Contract #2059 is two (2) years, with the Commission reserving the right to renew Contract #2059 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, the Commission has been satisfied with RVH's Services, and wishes to invoke its first renewal option and one (1) year extension to Contract #2059 under the same terms and conditions; and

**WHEREAS**, the renewal of Contract #2059 is necessary for the efficient operation of the Commission; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds are available for the renewal of Contract #2059.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2059 with RVH is hereby renewed for a term of one (1) year, to October 31, 2022, to provide the Services as described in Contract #2059; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare the renewal under the same terms and conditions as Contract #2059; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2059 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 Garofalo offered a motion to adopt the resolution authorizing the first renewal option and one year extension to Contract #2059 with RVH Mulch Supply, LLC for the management and removal of the Wanaque water treatment plant residuals; 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.

**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 \$3,933,105.07; 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 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 \$1,059,987.52; 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.

**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 \$401,124.25; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman

**PUBLIC COMMISSION MEETING**

**OCTOBER 27, 2021**

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 9:43 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