

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, DECEMBER 15, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, December 15, 2021 at 9:02 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 and Commissioners Alan S. Ashkinaze, Donald C. Kuser, Robert C. Garofalo and James L. Cassella participated via teleconference. Christopher B. Langhart, 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. Vice Chairman Charles P. Shotmeyer and Commissioner Jerome P. Amedeo were 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 Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:30 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

Commissioner Kuser offered a motion to approve the Public Commission Meeting Minutes of November 17, 2021; seconded by Commissioner Cassella and approved with Commissioners Ashkinaze, Kuser and Cassella voting in the affirmative. Chairman Burrell and Commissioner Garofalo abstained.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of November 17, 2021; seconded by Commissioner Cassella and approved with Commissioners Ashkinaze, Kuser and Cassella voting in the affirmative. Chairman Burrell and Commissioner Garofalo abstained.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for December 2021 in the amount of \$104,512.83; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Commission Invoices:**

- a. **Invoice #1083-54 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$146,505.55**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #50112 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$2,214.60**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #23252 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$6,165.00**  
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(c) for payment.
- d. **Invoice #3262-4 from Vollers Excavating & Construction, Inc. for Contract #2068 – Shooting Range Remediation in the amount of \$87,650.67**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(d) for payment.
- e. **Invoice #19 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$525.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(e) for payment.
- f. **Invoice #48142 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$63,525.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(f) for payment.
- g. **Invoice #111-1960587 from The BNY Mellon – NJ Infrastructure Bank Bond Trustee Fees in the amount of \$2,500.00**  
William Schaffner, Chief Financial Officer approved invoice 3(g) for payment.
- h. **Various Invoices from Wilmington Trust – NJDWSC Trustee Fees for Wanaque South Project in the amount of \$5,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$2,175.00**  
Paul Serillo, Director of facilities, Michael Dox, Plant Electrical Engineer and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Various Invoices from Michael J. Malpere Co., Inc. for Contract #2080 – Repointing & Waterproofing Lower Gate House in the amount of \$34,250.00**  
Maria Alliegro, Director of Engineering and Ed Newman, Construction Manager approved invoice 3(j) for payment.

- k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$2,578.37**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(k) for payment.
- l. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$5,275.02**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$56,185.24**  
Maria Alliegro, Director of Facilities, Paul Serillo, Director of Engineering, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.
- n. Invoice E6X96100019 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$10,346.08**  
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(n) for payment.

Commissioner Ashkinaze offered a motion to approve invoices 3(a) through 3(n); seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Posting and Publishing of a Notice of Meetings in Accordance with the New Jersey Open Public Meetings Act**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF  
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
AUTHORIZING THE POSTING AND PUBLISHING OF A NOTICE OF MEETINGS IN  
ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT**

**WHEREAS**, pursuant to Public Law 1975, c.231, Open Public Meetings Act, Paragraph 10, Section 13 (the “Act”), the North Jersey District Water Supply Commission (the “Commission”) may adopt and publish an “Annual Notice of Meetings” listing the location and the time and date of the regular meetings of the Commission scheduled during the year; and

**WHEREAS**, the Commission desires to hereby adopt its Annual Notice of Meetings for the period from January 2022 through December 2022 at which time a new Annual Notice shall be adopted and posted by the Commission in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission hereby adopts the Notice set forth in “Schedule A”, attached hereto, as its Annual Notice of Meetings for the period January 2022 through December 2022 and the Commission’s Secretary is authorized by adoption of this Resolution to post and publish same in accordance with Section 10:4-18 (N.J.S.A. 10:4-18) of the Act.

Commissioner Cassella offered a motion to adopt the resolution authorizing the posting and publishing of a notice of meetings in accordance with the New Jersey Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Adopting the 2022 Annual Budget for the Wanaque North Project and Authorizing the Executive Director to take all Necessary and Appropriate Steps in Furtherance Thereof**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
ADOPTING THE 2022 ANNUAL BUDGET FOR THE WANAQUE NORTH PROJECT**

**AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND  
APPROPRIATE STEPS IN FURTHERANCE THEREOF**

**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**, pursuant to N.J.S.A. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

**WHEREAS**, the Commission has developed a Wanaque North Project Annual Budget for the calendar year beginning on January 1, 2022 and ending on December 31, 2022 (the “2022 Annual Budget”), including total appropriations of \$43,460,701.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque North Project during that period; and

**WHEREAS**, following notice to each of the participants and contracting municipalities, a hearing on the 2022 Annual Budget was duly held on December 1, 2021, in accordance with N.J.S.A. 58:5-40; and

**WHEREAS**, the Commission desires to approve the 2022 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 15, 2021, as follows:

1. The Commission has duly reviewed and approves the proposed 2022 Annual Budget with a total appropriation of \$43,460,701.00; and
2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2022 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and
3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

Commissioner Ashkinaze offered a motion to adopt the resolution adopting the 2022 annual budget for the Wanaque North Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Adopting the 2022 Annual Budget for the Wanaque South Project and  
Authorizing the Executive Director to take all Necessary and Appropriate Steps in  
Furtherance Thereof**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
ADOPTING THE 2022 ANNUAL BUDGET FOR THE WANAQUE SOUTH PROJECT  
AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND  
APPROPRIATE STEPS IN FURTHERANCE THEREOF**

**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**, pursuant to N.J.S.A. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

**WHEREAS**, in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

**WHEREAS**, the Commission has developed a Wanaque South Project Annual Budget for the calendar year beginning on January 1, 2022 and ending on December 31, 2022 (the “2022 Annual Budget”), including total appropriations of \$19,793,035.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque South Project during that period; and

**WHEREAS**, following notice to each of the participants and contracting municipalities, a hearing on the 2022 Annual Budget was duly held on December 1, 2021, in accordance with N.J.S.A. 58:5-40; and

**WHEREAS**, the Commission desires to approve the 2022 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 15, 2021, as follows:

1. The Commission has duly reviewed and approves the proposed 2022 Annual Budget with a total appropriation of \$19,793,035.00; and
2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2022 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and
3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

Commissioner Ashkinaze offered a motion to adopt the resolution adopting the 2022 annual budget for the Wanaque South Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Second Renewal Option and One Year Extension to Contract #2042 with McManimon, Scotland & Baumann, LLC for the Provision of General Counsel 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 #2042 WITH MCMANIMON, SCOTLAND  
& BAUMANN, LLC FOR THE PROVISION OF GENERAL COUNSEL  
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 the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with general legal matters (the “General Counsel Services”); and

**WHEREAS**, on or about July 25, 2018 the Commission publicly advertised and issued a request for proposals for the provision of General Counsel Services (RFP #003-2018) and received proposals from interested parties on or before August 30, 2018; and

**WHEREAS**, the Commission thereafter evaluated the proposals and adopted Resolution #1815 on October 24, 2018 awarding McManimon, Scotland, & Baumann, LLC (“MS&B”) a contract for the

provision of General Counsel Services as the most qualified proposer, considering its experience and pricing (“Contract #2042”); and

**WHEREAS**, on December 19, 2018, the Commission and MS&B executed Contract #2042, wherein the term of Contract #2042 is two (2) years, with the Commission reserving the right to renew Contract #2042 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, on or about December 16, 2020, the Commission adopted Resolution #1962, invoking the first renewal option and authorizing a one (1) year extension to Contract #2042 with new rates, as set forth therein, but otherwise under the same terms and conditions, while also reserving the right to request the second renewal option for an additional one (1) year term as outlined in the Agreement; and

**WHEREAS**, the Commission has been satisfied with MS&B’s General Counsel Services, and wishes to invoke its second renewal option and one (1) year extension to Contract #2042, under the same terms and conditions as the first renewal; and

**WHEREAS**, the renewal of Contract #2042 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 #2042.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2042 with MS&B is hereby renewed for a term of one (1) year, to December 31, 2022, to provide the General Counsel Services as described in Contract #2042.

**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 the first renewal for Contract #2042.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2042 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the second renewal option and one year extension to Contract #2042 with McManimon, Scotland & Baumann, LLC for the provision of general counsel services; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Second Renewal Option and One Year Extension to Contract #2044 with DeCotiis, Fitzpatrick, Cole & Giblin, LLP for the Provision of Special Labor and Employment Counsel 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 #2044 WITH DECOTIIS, FITZPATRICK,  
COLE & GIBLIN, LLP FOR THE PROVISION OF SPECIAL LABOR AND  
EMPLOYMENT COUNSEL 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 the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with the Labor and Employment matters (the “Labor Counsel Services”); and

**WHEREAS**, on or about August 26, 2018 the Commission publicly advertised and issued a request for proposals for the provision of Labor Counsel Services (RFP #008-2018) and received proposals from interested parties on or before August 31, 2018; and

**WHEREAS**, the Commission thereafter evaluated the proposals and adopted Resolution #1817 on October 24, 2018 awarding DeCotiis, FitzPatrick, Cole & Giblin, LLP (“DFC&G”) a contract for the provision of Labor Counsel Services as the most qualified proposer, considering its experience and pricing (“Contract #2044”); and

**WHEREAS**, on December 19, 2018, the Commission and DFC&G executed Contract #2044, wherein the term of Contract #2044 is two (2) years, with the Commission reserving the right to renew Contract #2044 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, on or about December 16, 2020, the Commission adopted Resolution #1964, authorizing a one-year extension of Contract #2044 under the same and terms and conditions as outlined in Contract #2044, 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 DFC&G’s Labor Counsel Services, and wishes to invoke its second renewal option and one (1) year extension to Contract #2044 under the same terms and conditions; and

**WHEREAS**, the renewal of Contract #2044 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 #2044.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2044 with DFC&G is hereby renewed for a term of one (1) year, to December 31, 2022, to provide the Labor Counsel Services as described in Contract #2044.

**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 #2044.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2044 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the second renewal option and one year extension to Contract #2044 with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the provision of special labor and employment counsel services; seconded by Commissioner Garofalo and approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract for the Provision of Media Relations Consulting Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A  
CONTRACT FOR THE PROVISION OF MEDIA RELATIONS CONSULTING  
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 there is a need to retain a consulting firm to provide media relations and other related services for a term of one year (“Media Relations Consulting Services”); and

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

**WHEREAS**, the Commission’s Purchasing Policies and Procedures provide that the Commission

may delegate authority to the Executive Director to obtain professional consulting services pursuant to a letter of engagement where the cost of such services is below the approved threshold amount as set by N.J.S.A. 58:5-20; and

**WHEREAS**, Public Strategies Impact, LLC (“Public Strategies”) has proposed to provide the Media Relations Consulting Services for a term of one year for a total fee of \$17,000.00, to be billed quarterly; and

**WHEREAS**, the Executive Director has determined that Public Strategies has the requisite skills and experience to perform the Media Relations Consulting Services and wishes to retain the services of Public Strategies for a term of one year for this purpose; and

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

**WHEREAS**, obtaining these services is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Executive Director is hereby authorized to engage Public Strategies for a term of one year for a total fee of \$17,000.00, to be billed quarterly, for the purpose of providing the Commission with Media Relations Consulting Services; and

**BE IT FURTHER RESOLVED** that the Executive Director is hereby authorized to prepare and execute a letter of engagement with Public Strategies for the performance of Media Relations Consulting Services; and

**BE IT FURTHER RESOLVED** that a copy of this resolution and the letter of engagement 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 the award and execution of a contract for the provision of media relations consulting services; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Approving and Authorizing the Establishment of a Financial Pool for Merit Wage Increases for Non-Union Personnel**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION APPROVING AND AUTHORIZING THE ESTABLISHMENT  
OF A FINANCIAL POOL FOR MERIT WAGE INCREASES FOR NON-UNION  
EMPLOYEES**

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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 desires to establish a pool of funds of up to two (2%) percent of total annual salaries of all non-union employees to be utilized to grant wage increases to such employees based on merit; and

**WHEREAS**, the Commission believes that such merit wage increases for non-union employees are necessary and warranted; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission approves and authorizes the establishment of a pool of funds of up to two (2%) percent of total annual salaries of all non-union employees to be utilized to grant wage increases to such employees based on merit; and

**BE IT FURTHER RESOLVED**, that the Executive Director of the Commission, in consultation with staff, is hereby authorized to recommend wage increases from the established pool for all non-union employees based on merit.



Commissioner Garofalo offered a motion to adopt the resolution approving and authorizing the establishment of a financial pool for merit wage increases for non-union personnel; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Approving the Transfer of Reserves**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION APPROVING THE TRANSFER OF RESERVES**

**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 Unrestricted Reserves for both the Wanaque North and Wanaque South Projects and determined that funds should be transferred from the Unrestricted Reserve Accounts for both projects to the Reserves for Renewal and Replacement for both projects; and

**WHEREAS**, these transfers are necessary because of the additional capital investments that the Commission must make to continue its ongoing rehabilitation and replacement of critical infrastructure, and to maintain sufficient operating funds in the event of a disruption in payments to the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that \$5,000,000.00 is hereby transferred from the Wanaque North Unrestricted Reserve Account to the Wanaque North Reserve for Renewal and Replacement; and

**BE IT FURTHER RESOLVED** that \$2,500,000.00 is hereby transferred from the Wanaque South Unrestricted Reserve Account to the Wanaque South Reserve for Renewal and Replacement; 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 transfer of reserves; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order No. 1 to Contract #2033 with Calgon Carbon Corporation for Powder Activated Carbon**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT  
#2033 WITH CALGON CARBON CORPORATION FOR POWDER  
ACTIVATED CARBON**

**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 has previously determined there was a need to procure, Powder Activated Carbon to be used at the Water Filtration Plant in the treatment and provision of potable water; 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**, in response to the Commission’s advertisement for public bids, bids for furnishing and delivering Powder Activated Carbon were received and publicly opened on November 9, 2018, with Calgon Carbon Corporation (“Calgon Carbon”) proposing to supply Powder Activated Carbon at two thousand and forty dollars (\$2,040.00) per ton (the “Bid”); and

**WHEREAS**, the Staff of the Commission has determined that Calgon Carbon has submitted the sole responsible and complying bid for the furnishing and delivery of Powder Activated Carbon and recommended that Contractor be selected as the sole responsible and complying bidder in accordance with applicable law; and

**WHEREAS**, by Resolution No. 1820 dated November 28, 2018, the Commission authorized the award and execution of the Contract #2033 with Calgon Carbon for the furnishing and delivery of Powder Activated Carbon; and

**WHEREAS**, the Commission awarded Contract #2033 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 contract; and

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

**WHEREAS**, by Resolution No. 2013 dated October 27, 2021, the Commission authorized the second renewal and one (1) year extension to Contract #2033 with Calgon Carbon under the same terms and conditions of the original contract; and

**WHEREAS**, on November 15, 2021, Calgon Carbon notified the Commission that it cannot extend Contract #2033 for an additional year without price relief; and

**WHEREAS**, Calgon Carbon has represented that it has experienced increased overall costs and freight charges; and

**WHEREAS**, Calgon Carbon requested price relief for the aforementioned reasons, and proposes to supply the Powder Activated Carbon at the delivered price of two thousand two hundred and forty dollars (\$2,240.00) per ton ("Change Order No. 1"); and

**WHEREAS**, Commission staff have examined Calgon Carbon's requested Change Order No. 1 to Contract #2033 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 to Contract #2033; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2033 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 #2033.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2033 with Calgon Carbon is hereby approved.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2033 in accordance with Calgon Carbon's proposal, with all other terms and conditions of Contract #2033 to remain unchanged.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2033, and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing change order no. 1 to Contract #2033 with Calgon Carbon Corporation for powder activated carbon; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract with USALCO, LLC for the Furnishing and Delivering of Polyaluminum Chloride**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A  
CONTRACT WITH USALCO, LLC FOR THE FURNISHING AND  
DELIVERING OF POLYALUMINUM CHLORIDE**

**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 to determined there was a need to procure, Polyaluminum Chloride to be used at the Water Filtration Plant in the treatment and provision of potable water; 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 October 5, 2021, the Commission publicly advertised a Bid Specification for Contract #2084 for the furnishing and delivering of Polyaluminum Chloride (“Contract #2084”) in accordance with requirements and specifications set forth therein, and subsequently received one bid on or about November 9, 2021 from USALCO, LLC (“USALCO”); and

**WHEREAS**, the Commission's evaluation committee reviewed and evaluated the bid and determined that USALCO, who submitted a bid to furnish and deliver Polyaluminum Chloride for the amount of Three Hundred Seventy Seven Dollars and Eighty Cents (\$377.80) per ton (the “Bid”), submitted the sole and lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that USALCO be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, the Commission desires to retain USALCO to furnish and deliver Polyaluminum Chloride in accordance with the Commission’s requirements for an initial two-year term (Calendars Years 2022 and 2023), with the Commission reserving the right to renew Contract #2084 for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contract; and

**WHEREAS**, the award of this contract is necessary for the Commission's efficient water treatment operations, the protection of the Commission's water supply facilities, and the health, safety and welfare of the public; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds will be available for this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2084 for the furnishing and delivering of Polyaluminum Chloride be awarded to USALCO as the sole and lowest confirming bidder in accordance with the Commission’s enabling legislation and applicable State law, for the amount of \$377.80/ton for an initial term of two (2) years (Calendars Years 2022 and 2023).

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the provision of Polyaluminum Chloride, incorporating the Commission’s requirements as set forth in Contract #2084, the Bid and any applicable law, rule or regulation.

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

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the award and execution of a contract with USALCO, LLC for the furnishing and delivering of polyaluminum chloride; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract with USALCO, LLC for the Furnishing and Delivering of Liquid Aluminum Sulfite**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A**

**CONTRACT WITH USALCO, LLC FOR THE FURNISHING AND  
DELIVERING OF LIQUID ALUMINUM SULFITE**

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

**WHEREAS**, the Commission determined there was a need to procure, Liquid Aluminum Sulfite (Liquid Alum) to be used at the Water Filtration Plant in the treatment and provision of potable water; 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 October 5, 2021, the Commission publicly advertised a Bid Specification for Contract #2085 for the furnishing and delivering of Liquid Alum (“Contract #2085”) in accordance with requirements and specifications set forth therein, and subsequently received one bid on or about November 9, 2021 from USALCO, LLC (“USALCO”); and

**WHEREAS**, the Commission's evaluation committee reviewed and evaluated the bid and determined that USALCO, who submitted a bid to furnish and deliver Liquid Alum for the amount of Two Hundred Thirty Four Dollars and Thirty Eight Cents (\$234.38) per ton (the “Bid”), submitted the sole and lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and has recommended that USALCO be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, the Commission desires to retain USALCO to furnish and deliver Liquid Alum in accordance with the Commission’s requirements for an initial two-year term (Calendars Years 2022 and 2023), with the Commission reserving the right to renew Contract #2085 for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contract; and

**WHEREAS**, the award of this contract is necessary for the Commission's efficient water treatment operations, the protection of the Commission's water supply facilities, and the health, safety and welfare of the public; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds will be available for this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2085 for the furnishing and delivering of Liquid Alum be awarded to USALCO as the sole and lowest confirming bidder in accordance with the Commission’s enabling legislation and applicable State law, for the amount of \$234.38/ton for an initial term of two (2) years (Calendars Years 2022 and 2023).

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the provision of Liquid Alum, incorporating the Commission’s requirements as set forth in Contract #2085, the Bid and any applicable law, rule or regulation.

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

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract with USALCO, LLC for the furnishing and delivering of liquid aluminum sulfite; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the First Renewal Option and One Year Extension to Contract #2063 with DLB Associates for Provision of Mechanical Electrical Plumbing (MEP) Engineering Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE  
YEAR EXTENSION TO CONTRACT #2063 WITH DLB ASSOCIATES FOR  
PROVISION OF MECHANICAL ELECTRICAL PLUMBING (MEP)  
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 has previously determined there was a need to retain the services of a firm specializing in mechanical electrical plumbing (“MEP”) to provide mechanical electrical plumbing engineering services for the Commission on multiple projects (the “MEP Engineering Services”); and

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

**WHEREAS**, on or about December 3, 2019, the Commission publicly advertised a Request for Qualification and Proposals for the work associated with the MEP Engineering Services, and received four proposals (the “Proposals”) on or about January 3, 2020 from various firms; and

**WHEREAS**, by Resolution No. 1906 dated January 22, 2020, the Commission authorized the award of a contract (“Contract #2063”) for MEP Engineering Services to DLB Associates (“DLB”) for a two (2) year term, in the not-to-exceed contract amount of \$75,000 for each contract year, reserving the right, in the Commission’s sole discretion, to extend the contract for up to two (2) additional, consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, the Commission has been satisfied with DLB’s MEP Engineering Services, and wishes to invoke its first renewal option and one year (Year 3) extension to Contract #2063 under the same terms and conditions, while also reserving the right to request the second renewal option for an additional one year term as outlined in Contract #2063; and

**WHEREAS**, the renewal of Contract #2063 is necessary for efficient operation of the Commission; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds will be available for the renewal of Contract #2063.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2063 with DLB is hereby renewed for a term of one (1) year, to February 28, 2023, in the not to exceed amount of \$75,000, to provide the MEP Engineering Services as described in Contract #2063.

**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 #2063.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2063 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman.

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the first renewal option and one year extension to Contract #2063 with DLB Associates for provision of mechanical electrical plumbing (MEP) engineering services; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, 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 \$6,576,755.71; seconded by Commissioner

Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, 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 Cassella offered a motion to approve the Wanaque South Operating Account in the amount of \$959,158.20; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, 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 \$413,958.27; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:46 a.m.; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond  
Commission Secretary