

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, SEPTEMBER 28, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, September 28, 2022 at 9:04 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Donald C. Kuser and James L. Cassella were recorded present. Also present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer, Kim Diamond, Commission Secretary, Francine C. McManimon, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Dorian Smith, Associate Counsel of the Governor's Authority Unit. Commissioner Alan S. Ashkinaze, Commissioner Jerome P. Amedeo and Commissioner Robert C. Garofalo 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 Kuser 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 9:07 a.m.

Chairman Burrell reconvened the Public Meeting at 10:24 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of August 24, 2022; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of August 24, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for September 2022 in the amount of \$105,800.00; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1-228-001 from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of \$908,349.11**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(a) for payment.
- b. **Invoice #533086 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$4,552.92**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #50449 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$24,750.00**
Lewis Schneider, Director of Operations/Licensed Operator and Geordie Allegri, Asst. Manager of Residuals approved invoice 3(c) for payment.
- d. **Invoice #28 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$700.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(d) for payment.
- e. **Invoice #65596 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$4,600.00**
Paul Serillo, Director of facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(e) for payment.
- f. **Invoice #776047 from Colliers Engineering & Design, Inc. for Contract #2091 – Land Surveying Services for Commission Owned Dams in the amount of \$4,480.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Wilmington Trust – Wanaque South Trustee Fees – NJ Infrastructure Bank Bonds & 2015 Revenue Bonds in the amount of \$13,500.00**
William Schaffner, Chief Financial Officer approved invoice 3(g) for payment.
- h. **Various Invoices from The BNY Mellon – Wanaque North Trustee Fees - NJ Infrastructure Bank Bonds & 2015A Revenue Bonds in the amount of \$13,500.00**
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Invoice #134973 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$22,052.50**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Invoice #90996831 from U.S. Department of the Interior – United States Geological Survey Agreement #21LJJFA28 in the amount of \$91,652.50**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(j) for payment.

- k. Invoice #E6X94500026 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$6,830.33**
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 #2061 – General Consulting Engineering Services in the amount of \$2,593.75**
Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities, Chris Clamsner, Project Engineer, Michael Dox, Plant Electrical Engineer and Les Malysky, Project Engineer approved invoice 3(l) for payment.
- m. Invoice #E6X96100027 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$1,066.68**
Maria Alliegro, Director of Engineering and James Stachura Project Engineer approved invoice 3(m) for payment.

Commissioner Ashkinaze offered a motion to approve invoices 3(a) through 3(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.

Resolution – Authorizing a Sole Source Purchase from Alber & Son Inc. for the Replacement and Repair of the Commission’s Machinery

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A SOLE SOURCE PURCHASE FROM ALBER
& SON INC. FOR THE REPLACEMENT AND REPAIR OF THE
COMMISSION’S MACHINERY**

WHEREAS, 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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

WHEREAS, the Commission is approaching the vendor bid threshold with Alber & Son Inc. (“Alber & Son”), who repairs all the Commission’s machinery; and

WHEREAS, the Commission’s 2001 Ford New Holland TS 100 Machete Boom Cutter (the “Machete”) and the 2001 John Deere 5210 Tractor (the “Tractor”), are in need of immediate repair (the “Repairs”) which will exceed the vendor threshold; and

WHEREAS, without these pieces of equipment, the Commission will no longer be able to maintain the pipeline which is essential to efficient operation of the Commission; and

WHEREAS, the Commission has determined that they need machinery repair services for the remaining months of 2022 to address and repair future issues with the Commission’s machinery (collectively, with the Repairs, the “Services”); and

WHEREAS, Alber & Son has unique specific knowledge of the Commission’s machinery, is available for the immediate repair of the Machete and the Tractor, and complete all repairs on site; and

WHEREAS, in consideration of Alber & Son familiarity with the Commission’s machinery and the urgency of the pending repair of the Machete and the Tractor, the Commission requests that they be designated a single and sole source provider with the regard to machinery repairs with the sole source designation remaining in effect through the end of the current calendar year in a not to exceed additional amount of \$20,000.00; and

WHEREAS, as a result of the foregoing and pursuant to the recommendation memorandum from the Commission Staff, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and

Procedures Manual (the “Manual”), the Commission has determined that Alber & Son constitutes a sole source provider of the Services; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the North Jersey District Water Supply Commission, that Alber & Son be designated as the sole source provider for the Services in a not to exceed amount of an additional \$20,000.00 for the Services in accordance with the Manual; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such documents as necessary to effectuate the Services, including by electronic signature, 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 shall be maintained in the Office of the Executive Director and made available for public inspection.

Commissioner Cassella offered a motion to adopt the resolution authorizing a sole source purchase from Alber & Son Inc. for the replacement and repair of the Commission’s machinery; 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 Award and Execution of a Contract with USI Insurance Services for the Provision of Insurance Broker Services: Risk Management

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 USI INSURANCE SERVICES FOR THE PROVISION OF INSURANCE BROKER SERVICES: RISK MANAGEMENT

WHEREAS, 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 the services of an insurance broker to assist the Commission with its risk management insurance needs for a two-year term (the “Insurance Brokerage 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 August 16, 2022, the Commission publicly advertised and issued a request for proposals (“RFP #003-2022”) for the provision of Insurance Brokerage Services and received three (3) proposals (the “Proposals”) on or before September 7, 2022; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposals and determined that USI Insurance Services (“USI”) submitted the most qualified, responsible, and responsive proposal for the Insurance Brokerage Services (the “USI Proposal”), and has recommended that USI be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law as the most qualified, responsible, and responsible respondent; and

WHEREAS, USI proposed a not-to-exceed contract price of \$37,000.00 per year with no additional contingency compensation for the performance of the Insurance Brokerage Services, and the Commission has determined that the price is reasonable based on the necessary scope of work; and

WHEREAS, the term of the contract shall be for two years, with the right of the Commission, in its sole discretion, to extend the contract for up to two (2) consecutive one-year terms pursuant to the same contractual prices and terms; and

WHEREAS, the Commission has determined that USI possesses the requisite expertise and skilled personnel to perform the Insurance Brokerage Services; and

WHEREAS, the Commission has determined, on the basis of the foregoing, that USI constitutes the most qualified, responsive, and responsible respondent for the performance of the Insurance Brokerage Services in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, the Commission desires to retain the services of USI to perform the Insurance Brokerage Services, in accordance with the requirements as set forth in RFP #003-2022 and the USI Proposal; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract be awarded to USI, in accordance with the Commission's enabling legislation and applicable State law, for a two (2) year term in an amount not-to-exceed \$37,000.00 per year with no additional contingency compensation for the performance of the Insurance Brokerage Services, with a right to further extend the contract for up to two (2) consecutive one-year periods subject to the same contract terms; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the performance of the Insurance Brokerage Services, incorporating the Commission's requirements as set forth in RFP #003-2022, and the USI Proposal; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such a contract, including by electronic signature, 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 Cassella offered a motion to adopt the resolution authorizing the award and execution of a contract with USI Insurance Services for the provision of insurance broker services: risk management; 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.

Resolution – Authorizing Extension No. 2 and Change Order No. 2 to Contract #2055 with Carus LLC for Potassium Permanganate

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EXTENSION NO. 2 AND CHANGE ORDER
NO. 2 TO CONTRACT #2055 WITH CARUS LLC FOR POTASSIUM
PERMANGANATE**

WHEREAS, 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 there was a need for the chemical known as Potassium Permanganate ("Potassium Permanganate") 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, in response to the Commission's advertisement for public bids, bids for the furnishing and delivery of Potassium Permanganate were received and publicly opened on October 1, 2019, and Carus

LLC (“Carus”) was the sole responsible and complying bidder for the furnishing and delivery of Potassium Permanganate at the price of three dollars and nineteen cents (\$3.19) per pound; and

WHEREAS, by Resolution No. 1884 dated October 23, 2019, the Commission authorized the award and execution of Contract #2055 with Carus for the furnishing and delivery of Potassium Permanganate, wherein the term was two (2) years, with the Commission reserving the right to renew the contract for up to two (2) consecutive, one (1) year extensions under the same terms and conditions; and

WHEREAS, on or about September 22, 2021, the Commission adopted Resolution #2009, authorizing an Extension No. 1 and Change Order No. 1 to Contract #2055 under the same terms and conditions as outlined in Contract #2055 with a price increase to \$3.52/lb.; and

WHEREAS, the Commission has been satisfied with Carus, and wishes to invoke its second renewal option for a one (1) year extension to Contract #2055 under the same terms and conditions in the original contract (“Extension No. 2”); and

WHEREAS, on August 9, 2022, Carus notified the Commission that it cannot extend Contract #2055 for an additional year without price relief; and

WHEREAS, Carus has represented that it has experienced increased costs from current market conditions, and inflationary pressures have caused disruptions, including with raw materials suppliers, transportation and manufacturing costs; and

WHEREAS, Carus respectfully requests Extension No. 2 with price relief for the aforementioned reasons and proposes to supply the Potassium Permanganate at the delivered price of three dollars and seventy cents (\$3.70) per pound effective January 1, 2023; and

WHEREAS, at the request of the Commission, Carus submitted Change Order No. 2 to Contract #2055 for the price increase from \$3.52/lb. to \$3.70/lb. (“Change Order No. 2”); and

WHEREAS, Commission staff have examined Carus’s requested Change Order No. 2 to Contract #2055 with Extension No.2 and have determined that the goods and fees set forth therein are reasonable, necessary, and appropriate, and have recommended that the Commission approve Change Order No. 2 to Contract #2055; and

WHEREAS, the award of this Change Order No. 2 to Contract #2055 with Extension No. 2 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. 2 to Contract #2055 with Extension No.2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Extension No 2. and Change Order No. 2 to Contract #2055 with Carus are hereby approved, increasing the price from \$3.52/lb. to \$3.70/lb. for a term of one (1) year to provide Potassium Permanganate as described in Contract #2055; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare the renewal for Contract #2055, incorporating Change Order No. 2, with all other terms and conditions of Contract #2055, to remain unchanged; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2055 incorporating Change Order No. 2, including by electronic signature, 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing extension No. 2 and Change Order No. 2 to Contract #2055 with Carus LLC for potassium permanganate; 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 #2056 with Polydyne, Inc. for Liquid Polymer

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 #2056 WITH POLYDYNE, INC. FOR
LIQUID POLYMER**

WHEREAS, 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 there was a need for the chemical known as Liquid Polymer (Clarifloc C-379) (“Liquid Polymer”) 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, in response to the Commission’s advertisement for public bids, bids for the furnishing and delivery of Liquid Polymer were received and publicly opened on October 1, 2019, and Polydyne, Inc. (“Polydyne”) was the sole responsible and complying bidder for the furnishing and delivery of Liquid Polymer at the price of seven dollars and forty-one cents (\$7.41) per gallon; and

WHEREAS, by Resolution No. 1884 dated October 23, 2019, the Commission authorized the award and execution of Contract #2056 with Polydyne for the furnishing and delivery of Liquid Polymer, wherein the term was two (2) years, with the Commission reserving the right to renew the contract for up to two (2) consecutive, one (1) year extensions under the same terms and conditions; and

WHEREAS, on or about September 22, 2021, the Commission adopted Resolution No. #2010 authorizing Extension No. 1 and Change Order No. 1 to Contract #2056 under the same terms and conditions as outlined in Contract #2056 with a price increase to \$8.36/gal, 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 Polydyne, and wishes to invoke its second renewal option for a one (1) year extension to Contract #2056 under the same terms and conditions in the original contract; and

WHEREAS, the renewal of Contract #2056 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 #2056.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2056 with Polydyne is hereby renewed for a term of one (1) year to provide Liquid Polymer as described in Contract #2056; 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 #2056; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2056, including by electronic signature, 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 Cassella offered a motion to adopt the resolution authorizing the second renewal option and one year extension to Contract #2056 with Polydyne, Inc. for liquid polymer; 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.

Resolution – Authorizing the Award and Execution of Contract #2078R-2-A with Aspen Tree Services, Inc. and Contract #2078R-2-B with Downes Tree Service, Inc. for Work Associated with Hazardous Tree Removal Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2078R-2-A WITH ASPEN TREE SERVICES, INC. AND
CONTRACT #2078R-2-B WITH DOWNES TREE SERVICE, INC. FOR WORK
ASSOCIATED WITH HAZARDOUS TREE REMOVAL SERVICES**

WHEREAS, 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 determined that it is necessary to retain the services of qualified contractors with the expertise to provide Hazardous Tree Removal services (the “Services”); and

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

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

WHEREAS, on or about August 11, 2022, the Commission publicly advertised a Bid Specification for Contract #2078R-2 (“Contract #2078R-2”) for work associated with Hazardous Tree Removal Project in accordance with requirements and specifications set forth therein and subsequently received five bids (the “Proposals”) from interested firms on September 8, 2022; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposals, and determined that Aspen Tree Services, Inc. (“Aspen Tree”) and Downes Tree Service, Inc. (“Downes”) were the lowest qualified, responsible, and responsive bids for the Services and able to perform the work in accordance with the project schedule (the “Bids”), inclusive of all five sections and Emergency On-Call Work as set forth in Contract #2078R-2, for total not-to-exceed fees as set forth below:

Section 1 – The Services at Section 1 - Greenwood Lake Turnpike and Ringwood Avenue are awarded to Aspen Tree for a not-to-exceed fee of \$316,056.00;

Section 2 – The Services at Section 2- Skylands Road, Sloatsburg Road, and Margaret King Avenue are awarded to Aspen Tree for a not-to-exceed fee of \$229,560.00;

Section 3 – The Services at Section 3 - Westbrook, Stonetown, Snake Den, and Townsend Roads are awarded to Aspen Tree for a not-to-exceed fee of \$102,576.00;

Section 4 – The Services at Section 4 - the Commission Facilities and Dams are awarded to Downes for a not-to-exceed fee of \$71,325.00;

Section 5 – The Services at Section 5 - the Commission Property along Aqueducts are awarded to Downes for a not-to-exceed fee of \$682,500.00;

Emergency On-Call Work as set forth in Contract #2078R-2 is awarded to Aspen Tree based on rates as set forth in the bid submitted by Aspen Trees.

The total contract award to Aspen Tree for Sections 1, 2, and 3, is a not-to-exceed amount of \$648,192.00 plus a \$50,000 allowance for Emergency Work, for a contract total of \$698,192.00.

The total contract award to Downes for Sections 4 and 5, is a not-to-exceed amount of \$753,825.00.

WHEREAS, the Commission desires to retain the services of Aspen Tree to perform the Services in Sections 1, 2 and 3 and the Emergency Work as set forth in Contract #2078R-2 and herein (Contract #2078R-2-A) and Downes to perform the Services in Sections 4 and 5 as set forth in Contract #2078R-2 and herein (Contract #2078R-2-B) in accordance with the Commission's requirements as set forth in Contract #2078R-2-A, Contract #2078R-2-B (together the “2078R-2 Agreements”), the Bids, and any applicable laws, rules, or regulations, and

WHEREAS, the award of the 2078R-2 Agreements is necessary for the Commission's efficient water treatment and delivery operations, the protection of the Commission's water supply facilities, and the health, safety, and welfare of the public; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for these contracts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2078R-2-A for the work associated with the Services for Sections 1, 2, 3, and Emergency Work as set forth in Contract #2078R-2 be awarded to Aspen Tree in the total not-to-exceed amount of \$698,192.00, and that Contract #2078R-2-B for work associated with the Services for Sections 4 and 5 as set forth in Contract #2078R-2 be awarded to Downes in the total not-

to-exceed amount of \$753,825.00, as the lowest qualified, responsible and responsive bidders able to perform the work in accordance with the project schedule, Contract #2078R-2 and the respective bids in accordance with the Commission's enabling legislation and applicable State law, under the same terms and conditions; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Contract 2078R-2-A and Contract 2078R-2-B for the Services, incorporating the Commission's requirements as set forth in Contract #2078R-2 and the respective Bids, and any applicable law, rule or regulation; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the 2078R-2 Agreements, including by electronic signature, 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 2078R-2 Agreements 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 Contract #2078R-2-A with Aspen Tree Services, Inc. and Contract #2078R-2-B with Downes Tree Service, Inc. for work associated with hazardous tree removal 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.

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 \$10,948,245.87; 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. Vice Chairman Shotmeyer abstained from check #64244.

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 \$810,762.64; 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.

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 \$492,740.52; 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.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 10:30 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