

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, OCTOBER 26, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, October 26, 2022 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell and Commissioner 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. Vice Chairman Charles P. Shotmeyer and Commissioner Alan S. Ashkinaze, Commissioner Jerome P. Amedeo and Commissioner Robert C. Garofalo participated via teleconference. Commissioner Donald C. Kuser was absent.

Chairman Burrell asked everyone to stand and recite the Pledge of Allegiance.

Pursuant to the requirements of N.J.S.A. 10:4-6, et seq., Commission Secretary Kim Diamond acknowledged compliance with the statute. Commission Secretary Diamond advised that the provisions of the Open Public Meetings Act have been complied with as to the posting of notice in a public place reserved for such announcement and transmittal to the mass media for publication.

Commission Secretary Kim Diamond read the following resolution:

WHEREAS, *Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and*

WHEREAS, *the public body is of the opinion that such circumstances recently exist.*

NOW, THEREFORE, BE IT RESOLVED, *by the Commissioners of the North Jersey District Water Supply Commission of the State of New Jersey as follows:*

- 1. The public shall be excluded from discussions of the hereinafter-specified subject matters; the general natures of the subject matters to be discussed are Pending Litigation and Contracts;*
- 2. It is anticipated at this time that the above stated subject matters will be ratified during the Public Meeting to follow or as soon thereafter as the reason for discussing the matters in the Executive Conference no longer exists.*
- 3. This Resolution shall take effect immediately.*

Commissioner Ashkinaze offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:47 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of September 28, 2022; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of September 28, 2022; seconded by Commissioner Garofalo and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for October 2022 in the amount of \$108,139.93; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Burrell and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:**Commission Invoices:**

- a. **Invoice #1-228-002 from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of \$454,347.31**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(a) for payment.
- b. **Invoice #539551 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$2,592.51**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #50603 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$14,025.00**
Lewis Schneider, Director of Operations/Licensed Operator and Geordie Allegri, Asst. Manager of Residuals approved invoice 3(c) for payment.
- d. **Invoice #27 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$350.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(d) for payment.
- e. **Invoice #29 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 #1 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of \$184,600.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(f) for payment.
- g. **Invoice #54651 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$519.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$3,146.58**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(h) for payment.
- i. **Invoice #23907 from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$3,875.00**
Doug Delorie, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(i) for payment.
- j. **Invoice #2070-6 for Contract #2070 – Filter Building Boiler Replacement in the amount of \$28,200.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(j) for payment.

- k. **Invoice #E6X94500027 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$12,445.85**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(k) for payment.
- l. **Invoice #E6X942000034 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$6,564.25**
Maria Alliegro, Director of Engineering and Les Malyskyy, Project Engineer 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 \$12,027.50**
Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities, Chris Clamser, Project Engineer, Michael Dox, Plant Electrical Engineer and Les Malyskyy, Project Engineer approved invoice 3(m) for payment.

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

Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves and authorizes the sale and disposition of surplus vehicles and equipment identified on Exhibit A attached hereto through GovDeals as follows:

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

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the online sale of surplus vehicles and equipment; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Consenting to an Assignment of a Lease of Commission Property Located in the Borough of Totowa, Ratifying 2013 and 2018 Extensions Thereof, and Authorizing a First Amendment to the Said Lease

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION, STATE OF NEW JERSEY, CONSENTING TO AN ASSIGNMENT OF A
LEASE OF COMMISSION PROPERTY LOCATED IN THE BOROUGH OF TOTOWA,
RATIFYING 2013 AND 2018 EXTENSIONS THEREOF, AND AUTHORIZING A FIRST
AMENDMENT TO THE SAID LEASE**

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, in November of 1993, the Commission entered into a certain Lease Agreement (the "Lease") with Carmen Curcio, also known as Carmine Curcio (the "Lessee"), for certain real property owned by the Commission in the Borough of Totowa, County of Passaic and State of New Jersey (hereafter the "Property"), so that the Lessee could construct, maintain and operate a parking lot serving a Dunkin' Donuts franchise adjacent to the Property; and

WHEREAS, the initial term of the Lease was for a period of twenty (20) years expiring in 2013, with two five (5) year renewal options, to be exercised in 2013 and 2018, respectively, bringing the aggregate term of the Lease to thirty (30) years, and expiring in November of 2023; and

WHEREAS, the Lease expressly provides that the Lessee cannot assign or transfer the Lease without the prior, written consent of the Commission, which consent shall not be unreasonably withheld or conditioned by the Commission; and

WHEREAS, the Lessee sublet the subject premises to D.D. Toto, L.P., the operator of the subject Dunkin' Donuts franchise in 1993, with the written consent of the Commission; and

WHEREAS, at a point thereafter, D.D. Toto, L.P. requested the consent of the Commission to further assign the Lease to J.F. Totowa Donuts, Inc., the then purchaser of the subject Dunkin' Donuts franchise, and in October of 1997, the Commission consented to that assignment; and

WHEREAS, Red Rose Investors, LLC, has now requested the consent of the Commission, to the assignment of the Lease from J.F. Totowa Donuts, Inc. to Red Rose Investors, LLC as the sublessor of the adjacent premises to the Property being leased by J.F. Totowa Donuts, Inc. as subtenant; and

WHEREAS, the Commission has been provided with various documentation from counsel for Red Rose Investors, LLC evidencing the subject assignment, including the form thereof, and other materials to allow the Commission to satisfy itself before consenting to the assignment request; and

WHEREAS, the Commission, having reviewed the materials furnished by Red Rose Investors, LLC, is satisfied that there is no issue with granting its consent to the requested assignment, and therefore hereby desires to consent to the assignment of the Lease, all as aforementioned; and

WHEREAS, as a procedural matter, although the Lease makes provision for two (2) five (5) extensions, one in 2013 and another in 2018, there is no indication that the Commission has authorized any such extensions, even though all Parties have continued to perform under the Lease, including with limit the tendering and acceptance of rent for use of the Property, thereby evidencing an understanding that the Lease has, in fact, been so extended; and

WHEREAS, in order to address any ambiguity about the state of the Lease and the subject extensions, the Commission is desirous of ratifying both the 2013 and 2018 extensions of the Lease in accordance with the terms thereof; and

WHEREAS, in addition to addressing the issue of consent to assignment and ratification of Lease extensions as aforesaid, the parties to the said Lease are also desirous of enter into a First Amendment to the said Lease (the "First Amendment") which addresses among other things the related issues of rent, term and extension of the Lease as so assigned (and further discussed below), and as the same is set forth in substantially the form appended hereto as Exhibit A, with such changes as may be made by Commission staff in consultation with legal counsel.

NOW, THEREFORE, BE IT RESOLVED that the North Jersey District Water Supply Commission hereby consents to and ratifies the assignment of the Lease from J.F. Totowa Donuts, Inc. to Red Rose Investors, LLC, all for the reasons set forth in the forgoing Recitals, all of which are hereby incorporated by reference as if set forth at length. The Commission accordingly approves of the form of Assignment and Assumption of Lease in the format in which it was executed by J.F. Totowa Donuts, Inc. and Red Rose Investors, LLC; and

BE IT FURTHER RESOLVED, that all necessary personnel, including the Executive Director (in consultation with counsel), be and hereby are authorized and directed to review and approve of such documents as are necessary to effectuate the foregoing Recitals, including the subject assignment of the Lease, the ratification of the extensions thereof in both 2013 and 2018, and approval of the First Amendment to the Lease in substantially the form appended hereto as Exhibit A, with such changes as may be made by Commission staff in consultation with legal counsel; and

BE IT FURTHER RESOLVED, that in order to address any ambiguity about the state of the Lease, and the subject extensions, the Commission hereby ratifies both the 2013 and 2018 extensions of the Lease in accordance with the terms thereof, and all acts taken in furtherance of performance under the Lease as extended, including without limit ratification of the acceptance and negotiation of Lease payments made by Red Rose Investors, LLC and its predecessors; and

BE IT FURTHER RESOLVED, that the First Amendment to the Lease, which, among other things: (a) extends the Lease Term to December of 2028 with up to seven renewal terms of five years

each; (b) establishing Annual Base Rent, retroactively to 2019, in the amount of \$3,000.00 until December of 2028, at which time it shall be subject to adjustment by the greater of (i) fifteen percent (15%); or, (ii) the aggregate rate of inflation tied to the Consumer Price Index for either the initial renewal term hereunder, or the prior renewal term, as the case may be; (c) renders Lessee solely responsible for taxes tied to its use under the Lease; (d) corrects the identify of the leased premises; (e) ratifies past Lease extensions; (f) consents to the assignment as aforesaid; and, (g) otherwise affirms the Lease, be and hereby is approved by the Commission, in substantially the form appended hereto as Exhibit A, with such changes as may be made by Commission staff in consultation with legal counsel; and

BE IT FURTHER RESOLVED, that this Resolution, the subject Lease Amendment and all supporting materials, will be on file and available for public inspection in the Office of the Secretary of the Commission.

Commissioner Cassella offered a motion to adopt the resolution consenting to an assignment of a lease of Commission property located in the Borough of Totowa, ratifying 2013 and 2018 extensions thereof, and authorizing a first amendment to the said lease; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing and Ratifying Emergency Work with Complete Roof Systems (CRS) Associated with the Emergency Repair and Partial Replacement of the Residual Treatment Facility Roof

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AND RATIFYING EMERGENCY
WORK WITH COMPLETE ROOF SYSTEMS (CRS) ASSOCIATED WITH THE
EMERGENCY REPAIR AND PARTIAL REPLACEMENT OF THE RESIDUAL
TREATMENT FACILITY ROOF**

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, in June 2013, Contract #1018 was executed with Arch-Concept Construction, Inc., a Carlisle-authorized vendor, to replace six Commission roofs with Carlisle Syntec Systems (“Carlisle”) roofing systems; and

WHEREAS, on June 24, 2022, a bubbling of the roof membrane on the residual Treatment Facility (“RTF”) was observed by the Commission staff, and, in accordance with the Carlisle 20-year warranty requirements, they immediately notified Carlisle, and a service call acknowledgment was received from Protek Roofing (a Carlisle authorized applicator) (“Protek”), who visited the site and observed the issue on June 28, 2022; and

WHEREAS, Protek contacted Carlisle, who performed an inspection on August 2, 2022; and

WHEREAS, during the Carlisle inspection of the RTF roof, test cuts were made in the membrane, and it was determined that three HVAC units installed by First Goal Heating and Cooling (“First Goal”), a subcontractor of Stone Hill Contracting Company under Contract #1083, in May 2022 were not properly connected to their ducts and on August 3, 2022, First Goal repaired the duct connections; and

WHEREAS, on August 20 – 22, 2022 Wanaque experienced significant rainfall resulting in the RTF roof leaking heavily in numerous locations; and

WHEREAS, it is imperative that the RTF roof be repaired and replaced immediately to remediate the ongoing water infiltration issues in advance of the winter weather, and

WHEREAS, the Commission received a quote from Complete Roof Systems (“CRS”), a Carlisle-approved vendor, for the work which consists of replacing an 83-foot x 65-foot section of the RTF roof (the “Emergency Services”); and

WHEREAS, CRS provided the quote of \$67,240.00 and is available to perform the Emergency Services in accordance with the proposal (“CRS Proposal”), attached hereto; and

WHEREAS, pursuant to its enabling legislation, N.J.S.A., 58:5-20, the Commission is entitled to undertake work by its own employees or outside contractors when the safety or protection of its or other public property or the public convenience requires, or the exigency of the situation will not allow for advertisement or public bidding to address any emergency conditions; and

WHEREAS, pursuant to Section I, Subsection I of its Purchasing Policies and Procedures Manual, the Commission may make purchases of materials and services without the necessity of public bidding when it is determined by the Commission's Executive Director and Chief Financial Officer ("CFO") that an emergency exists; and

WHEREAS, based upon the recommendation of the Commission's Engineering staff, the Commission's Executive Director and CFO have all determined that the aforementioned Emergency Services constitute an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

WHEREAS, the Commission finds that the CRS Proposal is reasonable under the circumstances; and

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

WHEREAS, on September 30, 2022, the Commission executed a purchase order for CRS to perform the Emergency Services in accordance with the CRS Proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, in accordance with the provisions of N.J.S.A. 58:5-20 and Section I, Subsection I of its Purchasing Policies and Procedures Manual, that the aforementioned Emergency Services constitute an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby ratifies the actions of the Executive Director and CFO of the Commission in determining that an emergency exists; and

BE IT FURTHER RESOLVED that the Board of Commissioners hereby ratifies the retention of CRS to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$67,240.00, in accordance with the CRS Proposal; 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 and ratifying emergency work with Complete Roof Systems (CRS) associated with the emergency repair and partial replacement of the residual treatment facility roof; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Second Renewal Option and One-Year Extension to Contract #2060 with JBL Electric, Inc. (D/B/A/ McPhee Electric) for the Provision of Electrical Contracting Service

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 #2060 WITH JBL ELECTRIC, INC. (D/B/A
MCPHEE ELECTRIC) FOR THE PROVISION OF ELECTRICAL
CONTRACTING 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 that it is necessary to retain the services of a licensed electrical contracting firm experienced in the repair and installation of equipment for large water/wastewater utilities or commercial/industrial facilities (the "Electrical 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 15, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for work associated with the Electrical Services in accordance with requirements and specifications set forth therein (“RFP #009-2019”), and subsequently received one proposal (“Proposal”) on or about September 25, 2019, from JBL Electric Inc., doing business as McPhee Electric (“McPhee Electric”); and

WHEREAS, on or about October 23, 2019, the Commission adopted Resolution No. 1886 awarding McPhee Electric a contract for the provision of work associated with the Electrical Services for a base contract amount not to exceed \$400,000.00 for a two-year term, representing \$200,000.00 per year, on time and material basis as per the rate sheet in the Proposal (“Contract #2060”); and

WHEREAS, Contract #2060 is renewable for up to two (2) consecutive, one (1) year extensions under the same terms and conditions as the original contract; and

WHEREAS, by the end of Year 1 of Contract #2060, due to the timing of the work orders and lead-time of equipment deliveries, there remained over \$40,000 of unexpended funds in the Year 1 budget, which funds could not automatically be carried over to the Year 2 budget; and

WHEREAS, due to the invoicing structure of Contract #2060, the Year 2 (2021) budget was encumbered with the unexpended funds from Year 1; and

WHEREAS, in order to offset this carry-over encumbrance while still fulfilling the work orders necessary to be completed, the Commission’s Engineering staff has recommended to add \$75,000 to the existing \$200,000 budget of Year 2 (2021) (“Change Order No. 1”); and

WHEREAS, the Commission also recommended renewing the term of Contract #2060 for an additional one-year term (Year 3) on the same terms and conditions set forth in Contract #2060 and allocating the same base amount of \$200,000 for the renewal term (“Extension No. 1”); and

WHEREAS, on or about September 22, 2021, the Commission adopted Resolution No. #2007, authorizing Change Order No.1 and Extension No.1 to Contract #2060 under the same terms and conditions as outlined in Contract #2060, 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 McPhee Electric, and wishes to invoke its second renewal option and one (1) year extension to Contract #2060 for Year 4 (2023) (“Extension No. 2”) under the same terms and conditions as the original contract and allocating the same base amount of \$200,000 for the renewal term; and

WHEREAS, the renewal of Contract #2060 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 #2060.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2060 with McPhee Electric is hereby renewed for a term of one (1) year, to December 31, 2023, to provide the Electrical Services as described in Contract #2060 under the same terms and conditions as the original contract; 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 #2060; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2060, 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 the second renewal option and one-year extension to Contract #2060 with JBL Electric, Inc. (D/B/A McPhee Electric) for the provision of electrical contracting services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Second Renewal Option and One-Year Extension to Contract #2061 with Jacobs Engineering, Inc. for General Consulting Engineering Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE SECOND RENEWAL OPTION AND ONE-
YEAR EXTENSION TO CONTRACT #2061 WITH JACOBS ENGINEERING,
INC. FOR GENERAL CONSULTING ENGINEERING SERVICES**

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

WHEREAS, the Commission has previously determined there was a need to retain a firm specializing in engineering services to provide general consulting engineering services for the Commission on multiple projects (the “General Consulting Engineering Services”); and

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

WHEREAS, on or about July 16, 2019, the Commission publicly advertised a request for qualifications and proposals for the General Consulting Engineering Services, and received proposals from interested parties; and

WHEREAS, by Resolution No. 1889 dated November 20, 2019, the Commission authorized the award of a contract (“Contract #2061”) for General Consulting Engineering Services to Jacobs Engineering, Inc. (“Jacobs”) for a two (2) year term, 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 General Consulting Engineering Services are performed from year-to-year, with the Commission funding Contract #2061 through the Commission’s Engineering Operating budget, with a not-to-exceed amount of \$250,000 per year; and

WHEREAS, additional work relating to compliance with the America’s Water Infrastructure Act of 2018/Risk and Resilience Assessment and related certification to get United States Environmental Protection Agency (“USEPA”) required an additional budget of \$50,000 for Contract Year 1 (2020); and

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

WHEREAS, for Contract Year 2 (2021), as it became necessary for Jacobs to provide additional engineering services on certain items, the Commission Staff recommended issuing a contract amendment in the amount of \$150,000, increasing the not-to-exceed amount of Contract #2061 from \$250,000 to \$400,000 for Contract Year 2 (2021) (“Amendment No. 2”) so that Jacobs may continue to provide engineering services through the end of 2021, which was approved on August 25, 2021, via Resolution No. 2002; and

WHEREAS, on or about November 17, 2021, the Commission adopted Resolution No. #2020, authorizing a one-year extension of Contract #2061 under the same terms and conditions as outlined in Contract #2061 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 Jacobs, and wishes to invoke its second renewal option and one (1) year extension to Contract #2061 for Year 4 (2023) (“Extension No. 2”) under the same terms and conditions as the original contract; and

WHEREAS, the renewal of Contract #2061 is necessary for the efficient operation of the Commission; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds are available for the renewal of Contract #2061.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2061 with Jacobs is hereby renewed for a term of one (1) year, to December 31, 2023, to provide the General Consulting Engineering Services as described in Contract #2061; for an amount not to exceed \$250,000; 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 #2061; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2061, 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 #2061 with Jacobs Engineering, Inc. for general consulting engineering services; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contracts #2093, #2094, #2095, and #2096 for the Furnishing and Delivery of Various Chemicals for Calendar Years 2023 & 2024

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACTS #2093, #2094, #2095, AND #2096 FOR THE FURNISHING AND
DELIVERY OF VARIOUS CHEMICALS FOR CALENDAR YEARS 2023 & 2024**

WHEREAS, the North Jersey District Water Supply Commission (“Commission”) is a public body and 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 has a need for Sodium Hypochlorite, Powder Activated Carbon, Liquid Non-Zinc Ortho Phosphate 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 publicly advertised for bids (the “Bids”) for the furnishing and delivery of the Various Chemicals; and

WHEREAS, in response to the Commission’s advertisement for public bids, bids for the Various Chemicals in accordance with requirements and specifications set forth therein and subsequently received bids from interested firms on October 6, 2022, revealed as follows:

1. Contract #2093 – Sodium Hypochlorite (“Contract #2093”)

JCI Jones Chemicals Inc. \$1.99919/gallon

Kuehne Chemical Co. \$2.95/gallon
2. Contract #2094 – Powder Activated Carbon (“Contract #2094”)

Calgon Carbon Corporation \$3,300.00/ton
3. Contract #2095 – Liquid Non-Zinc Ortho Phosphate (“Contract #2095”)

Shannon Chemical Corp. \$3,133.24/ton

Carus LLC \$5,700.00/ton

4. Contract #2096 – Hydrated Lime (“Contract #2096”)

Greer Lime Company \$315.28/ton

WHEREAS, the staff of the Commission has performed full-scale testing of the products and determined that JCI Jones Chemicals Inc. has submitted the lowest, responsible and complying bid (the “Jones Bid”) (the “Jones”) for the furnishing and delivery of Contract #2093 for a not-to-exceed price of \$1.99919 per gallon and has recommended that Jones be awarded Contract #2093 as the lowest, responsible and complying bidder in accordance with applicable law; and

WHEREAS, the staff of the Commission has performed full-scale testing of the products and determined that Calgon Carbon Corp. has the lowest, responsible, and complying bid (the “Calgon Bid”) (“Calgon”) for the furnishing and delivery of Contract #2094 for a not-to-exceed price of \$3,300 per ton and has recommended that Calgon be awarded Contract #2094 as the sole and lowest, responsible and complying bidder in accordance with applicable law; and

WHEREAS, the staff of the Commission has performed full-scale testing of the products and determined that Shannon Chemical Corp. has submitted the sole, lowest, responsible and complying bid (the “Shannon Bid”) (the “Shannon”) for the furnishing and delivery of Contract #2095 for a not-to-exceed price of \$3,133.24 per ton and has recommended that Shannon be awarded Contract #2095 – Liquid Non-Zinc Ortho Phosphate as the lowest, responsible and complying bidder in accordance with applicable law; and

WHEREAS, the staff of the Commission has performed full-scale testing of the products and determined that Greer Lime Company has submitted the sole, lowest, responsible and complying bid (the “Greer Bid”) (the “Greer”), and together with the Jones Bid, Calgon Bid, the Shannon Bid, (the “Contractor Bids”) for the furnishing and delivery of Contract #2096 for a not-to-exceed price of \$315.28 per ton and has recommended that Greer be awarded Contract #2096 as the lowest, responsible and complying bidder in accordance with applicable law; and

WHEREAS, the award of the aforementioned contracts 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 the aforementioned contracts.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the North Jersey District Water Supply Commission, that the aforementioned contracts be awarded for an initial term of two years for Calendar Years 2023 and 2024 to Jones, Calgon, Shannon, and Greer as the lowest complying and responsible bidders for the furnishing and delivery of Various Chemicals under Contracts #2093, #2094, #2095 and #2096, respectively; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare contracts for the Various Chemicals, incorporating the Commission’s requirements as set forth in the Bids, the Contractor Bids and Contracts #2093, #2094, #2095, and #2096, and any applicable law, rule or regulation; and

BE IT FURTHER RESOLVED that the Commission reserves the right to renew each of the Contracts #2093, #2094, #2095 and #2096, in its sole discretion, for up to two (2) additional consecutive, one (1) year terms, on 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 such contracts, 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 Contracts #2093, #2094, #2095, and #2096 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 the award and execution of Contracts #2093, #2094, #2095, and #2096 for the furnishing and delivery of various chemicals for calendar years 2023 & 2024; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Second 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 THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE SECOND 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**

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 to retain 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, on or about October 27, 2021, the Commission adopted Resolution No. #2018, authorizing a one-year extension of Contract #2059 with RVH under the same terms and conditions as outlined in Contract #2059 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 RVH’s Services, and wishes to invoke its second renewal option for a one (1) year extension to Contract #2059 under the same terms and conditions in the original contract; 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, 2023, 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, 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 Ashkinaze offered a motion to adopt the resolution authorizing the second 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, Garofalo and Cassella voting in the affirmative.

Resolution – Approving the Execution of Joint Funding Agreement No. 23LJJFA28 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. 23LJJFA28 BETWEEN U.S. GEOLOGICAL SURVEY,
UNITED STATES DEPARTMENT OF THE INTERIOR AND THE NORTH
JERSEY DISTRICT WATER SUPPLY COMMISSION**

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. 23LJJFA28 (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 \$185,700 to the USGS, for the period from October 1, 2022 to September 30, 2023, 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. 23LJJFA28 between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission effective October 1, 2022 to September 30, 2023; 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution approving the execution of joint funding agreement no. 23LJJFA28 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, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2088R-2-C with Michael J. Malpere Co., Inc. for Work Associated with Stone Pointing and Waterproofing the Old Administration Building

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2088R-2-C WITH MICHAEL J. MALPERE CO., INC. FOR
WORK ASSOCIATED WITH STONE POINTING AND WATERPROOFING
THE OLD ADMINISTRATION BUILDING**

WHEREAS, the North Jersey District Water Supply Commission (the “Commission”) is a public body and 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 a qualified contractor with the expertise in general construction, masonry, and waterproofing as it pertains to historic masonry building construction to provide Stone Pointing and Waterproofing at the Old Administration Building (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 July 6, 2022, the Commission publicly advertised a Bid Specification for Contract #2088R-2 for work associated with the Services in accordance with requirements and specifications set forth therein (“Contract #2088R-2”) and subsequently received several bids (the “Proposals”) from interested firms on August 4, 2022; and

WHEREAS, the Commission executed Contract #2088R-2-A with Spartan Construction, Inc. and Contract #2088R-2-B with Pax Mundus Enterprise, LLC for a portion of the work contained in Contract #2088R-2 in connection with the stone pointing and waterproofing at the Low Lift Pump Station and the Control House; and

WHEREAS, the Commission was unable to award the work for the Services per Contract #2088R-2 as the low bidder withdrew their bid, and the remaining bids exceeded the amount budgeted for the Services; and

WHEREAS, therefore, in accordance with the Commission’s Purchasing Policies and Procedures Manual, the Commission requested three quotes from qualified contractors to perform the Services (the “Responses”); and

WHEREAS, the Commission reviewed the Responses and determined that Michael J. Malpere Co., Inc. (“Malpere”) was the lowest quote for the Services as set forth in Contract #2088R-2 for a total not-to-exceed amount of \$197,900.00 (the “Quote”); and

WHEREAS, the Commission desires to retain the services of Malpere to perform the Services in accordance with the Commission's requirements as set forth in Contract #2088R-2 (“Contract #2088R-2-C”), the Quote, and any applicable laws, rules, or regulations; and

WHEREAS, the award of Contract #2088R-2-C 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 Contract #2088R-2-C for the work associated with the Services as set forth in Contract #2088R-2 and the Quote be awarded to Malpere in the total not-to-exceed amount of \$197,900.00 as the lowest Response 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 #2088R-2-C for the Services, incorporating the Commission’s requirements as set forth in Contract #2088R-2 and the Quote, 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 Contract #2088R-2-C, 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 Contract #2088R-2-C 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 Contract #2088R-2-C with Michael J. Malpere Co., Inc. for work associated with stone pointing and waterproofing the old administration building; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Garofalo offered a motion to approve the Wanaque North Operating Account in the amount of \$3,442,594.95; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #64443.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner’s certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$684,705.62; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$435,954.16; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

PUBLIC COMMISSION MEETING

OCTOBER 26, 2022

There being no further business, Commissioner Cassella offered a motion to adjourn the meeting at 10:02 a.m.; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary