

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
PUBLIC COMMISSION MEETING
WEDNESDAY, JANUARY 25, 2023

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, January 25, 2023 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Commissioner Donald C. Kuser, Commissioner James L. Cassella and Commissioner Cristina M. Cutrone were recorded present. Also present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer, Kim Diamond, Commission Secretary, David Pegg, Chief of Security, Dario Ferreira, Security Supervisor, Raymond Walters, Security Specialist, Kevin Kiel, Security Specialist, 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 and Commissioner Robert C. Garofalo participated via teleconference. Vice Chairman Charles P. Shotmeyer was absent.

Commission Counsel Francine C. McManimon administered the oath of office to Cristina M. Cutrone. The Board extended congratulations to Commissioner Cutrone upon her appointment to the Commission.

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

At this time, nominations were opened for the election of a Chairman and Vice Chairman for the period from January 2023 through December 2023.

Commissioner Cassella offered a motion to appoint Howard L. Burrell to the position of Chairman for the period from January 2023 through December 2023; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Commissioner Cassella then offered a motion to appoint Charles P. Shotmeyer to the position of Vice Chairman for the period from January 2023 through December 2023; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF
THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
APPOINTING A CHAIRMAN AND VICE CHAIRMAN
FOR THE YEAR 2023

WHEREAS, the North Jersey District Water Supply Commission (the “Commission”) is organized and exists pursuant to the provisions of N.J.S.A. 58:5-1 et seq; and

WHEREAS, pursuant to N.J.S.A. 58:5-6, the Commission is authorized to appoint one of its members as Chairman and to appoint such other officers as it may deem necessary to carry out its purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Howard L. Burrell is hereby appointed as Chairman of the Commission and Charles P. Shotmeyer is hereby appointed as Vice Chairman of the Commission; and

BE IT FURTHER RESOLVED that each of the above officers shall hold his office for the year 2023 or until his successor shall have been duly appointed in accordance with the Commission’s authorizing legislation.

Commissioner Cassella offered a motion to adopt the resolution appointing a Chairman and Vice Chairman for the year 2023; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

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

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

Commissioner Cassella offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative. The Public Meeting was recessed at 9:09 a.m.

Chairman Burrell reconvened the Public Meeting at 9:42 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of December 21, 2022; seconded by Commissioner Cassella and approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative. Commissioner Cutrone abstained.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of December 21, 2022; seconded by Commissioner Kuser and approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative. Commissioner Cutrone abstained.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for January 2023 in the amount of \$118,885.72; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #558884 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,583.20**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(a) for payment.

- b. Invoice #1057 from Aspen Tree Service, Inc. for Contract #2078-R-2 – Hazardous Tree Removal in the amount of \$261,250.40**
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(b) for payment.
- c. Invoice #811960 from Colliers Engineering & Design, Inc. for Contract #2091 – Land Surveying Services for Commission Owned Dams in the amount of \$5,340.15**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. Invoice #13508816 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,690.96**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(d) for payment.
- e. Various Invoices from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$23,250.00**
Doug Delorie, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(e) for payment.

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

Resolution – Authorizing Banking Institutions for Calendar Year 2023

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING BANKING INSTITUTIONS FOR CALENDAR YEAR 2023

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 maintains both depository and operating accounts with certain banking institutions; and

WHEREAS, the Commission desires to authorize the use of certain banking institutions for calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby authorizes and approves of the use of the banking institutions included on the list of New Jersey Governmental Unit Deposit Protection Act (“GUDPA”) approved institutions for operating and depository account purposes for calendar year 2023 and included on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED, the Executive Director is hereby empowered to determine which banking institutions from the attached list are used for depository account and operating account purposes; and

BE IT FURTHER RESOLVED, no further action of the Board shall be necessary to authorize the use of such accounts.

Commissioner Cassella offered a motion to adopt the resolution authorizing banking institutions for calendar year 2023; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Garofalo, Kuser, Cassella and Cutrone voting in the affirmative.

Resolution – Authorizing an Amendment to the Commission Medicare Premium Reimbursement Policy

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AN AMENDMENT TO THE
COMMISSION MEDICARE PREMIUM REIMBURSEMENT POLICY**

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 seeking to update its policy regarding Medicare premium reimbursement for former employees; and

WHEREAS, the proposed update to the Medicare premium reimbursement policy will ensure the continued ability of the Commission to maintain the expected standard of care for former employees, and has been examined and approved by the Commission’s labor counsel.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the North Jersey District Water Supply Commission that anyone who retires from the Commission with twenty-five (25) years or more of service shall be entitled to a Medicare Part B premium reimbursement of up to \$2,041.20 for 2022; and

BE IT FURTHER RESOLVED, that the Executive Director and General Counsel are hereby authorized to prepare any documentation required to implement such a policy update, and such policy shall take effect immediately; and

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

Commissioner Kuser offered a motion to adopt the resolution authorizing an amendment to the Commission Medicare Premium Reimbursement Policy; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Resolution – Authorizing the Online Sale of Surplus Vehicles and Equipment

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

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

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

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

WHEREAS, the Commission desires to sell the surplus vehicles and equipment identified on

Exhibit A through GovDeals.

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

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

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

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

Resolution – Approving a Memorandum of Agreement Between the Commission and Teamsters Local 97

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN
THE COMMISSION AND TEAMSTERS LOCAL 97**

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 and Teamsters Local 97 have been engaged in negotiations with respect to the terms of a Collective Bargaining Agreement for the period January 1, 2023 through December 31, 2025.; and

WHEREAS, the Commission and Teamsters Local 97 have negotiated the terms of a Memorandum of Agreement; and

WHEREAS, a copy of the Memorandum of Agreement is attached to this resolution; and

WHEREAS, the Board of Commissioners agrees with the terms of the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby approves the Memorandum of Agreement by and between the Commission and Teamsters Local 97, and authorizes execution of same and the Collective Bargaining Agreement by the Board Chairman or Vice Chairman and the Commission Secretary.

Commissioner Cassella offered a motion to adopt the resolution approving a Memorandum of Agreement between the Commission and Teamsters Local 97; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

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

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

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

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

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

Resolution – Authorizing Pursuant to P.L. 2011, Ch. 78, the Establishment of 2023 Healthcare Contributions for Employees in Connection with the Provision of Benefits under the New Jersey State Health Benefits Program

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING, PURSUANT TO P.L. 2011, CH. 78, THE
ESTABLISHMENT OF 2023 HEALTHCARE CONTRIBUTIONS FOR
EMPLOYEES IN CONNECTION WITH THE PROVISION OF BENEFITS
UNDER THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM**

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 connection with the 2023 Calendar Year for health benefits, the State of New Jersey has announced substantial increases in the premium costs associated with public employee enrollment within the New Jersey State Health Benefits Program (“SHBP”) for that year, in some cases upwards of 20.8% (see, chart of 2023 premium increases by plan and bracket maintained by the SHBP on its website for further information); and

WHEREAS, SHBP premiums are paid in full by the Commission for its employees, with employee contribution to the cost of such premiums being withheld from biweekly earnings; and

WHEREAS, in order to partially offset this burden to the employees of the Commission who are enrolled within the SHBP, the Commission has determined to incur all but 3% of the increased cost in SHBP premiums for the 2023 Calendar Year. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart; and

WHEREAS, as a result thereof and in accordance with the provisions of New Jersey P.L. 2011, Ch. 78, the Commission is desirous of incurring all but 3% of the increased cost in SHBP premiums for the 2023 Calendar Year for Commission non-unionized employees. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart; and

WHEREAS, as a result thereof in accordance with the provisions of New Jersey P.L. 2011, Ch. 78, the Commission is desirous of incurring all but 3% of the increased cost in SHBP premiums for the 2023 Calendar Year for Commission unionized employees. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart, subject however to collective bargaining with respect to the same as may be necessary in accordance with applicable law; and

WHEREAS, the Commission is desirous of authorizing the foregoing, along with any documentation necessary to effectuate the same.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, that the foregoing recitals be and hereby are incorporated herein by reference, and the Commission hereby authorizes, in order to partially offset the burden to the employees of the Commission who are enrolled within the SHBP, to incur all but 3% of the increased costs in SHBP premiums for the 2023 Calendar Year. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart (and as applicable, collective bargaining), all as aforesaid, subject however to all applicable withholding and taxes imposed on the same pursuant to and in accordance with applicable law; and

BE IT FURTHER RESOLVED that the Commission hereby authorizes to incur, in accordance with the provisions of New Jersey P.L. 2011, Ch. 78, all but 3% of the increased costs in SHBP premiums for the 2023 Calendar Year for Commission non-unionized employees. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart; and

BE IT FURTHER RESOLVED that the Commission hereby authorizes to incur, in accordance with the provisions of New Jersey P.L. 2011, Ch. 78, all but 3% of the increased costs in SHBP premiums for the 2023 Calendar Year for Commission unionized employees. The increase of 3% to employee contribution shall be withheld from biweekly pay, and shall be determined following any employee movement on the State of New Jersey Percentage of Premium Chart, subject however, to collective bargaining with respect to the same as may be necessary in accordance with applicable law; and

BE IT FURTHER RESOLVED that the Executive Director, Chief Financial Officer, General Counsel and/or Labor Counsel, as appropriate, are hereby authorized and directed to prepare such documents as are appropriate to implement the provisions of this resolution, including as necessary any agreement, memorandum of understanding or similar memorialization as may be necessary with respect to the collective bargaining requirements of applicable law governing any unionized employees of the Commission with respect to the transactions contemplated hereby; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized and directed to execute any such documents, agreements, memoranda of understanding or other similar indicia of the foregoing (including with respect to collective bargaining requirements of applicable law), 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 as appropriate; and

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

Commissioner Kuser offered a motion to adopt the resolution authorizing, pursuant to P.L. 2011, Ch. 78, the establishment of 2023 healthcare contributions for employees in connection with the provision of benefits under the New Jersey State Health Benefits Program; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2099 for Work Associated with the Post Brook Dam Improvements

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2099 FOR WORK ASSOCIATED WITH THE POST BROOK
DAM IMPROVEMENTS**

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 determined that it is necessary to retain the services of a qualified contractor with expertise in dam improvements for the Commission’s Post Brook Dam (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 November 22, 2022, the Commission publicly advertised a Bid Specification for Contract #2099 (the “Bid Specification”) for work associated with the Services in accordance with requirements and specifications set forth therein and subsequently received several bids (the “Proposals”) from interested firms on January 5, 2023; and

WHEREAS, the Commission reviewed the Proposals and determined that Coastal Engineering, LLC (“Coastal Engineering”) was the lowest, qualified, total bid for the Services as set forth in the Bid Specifications for a total not-to-exceed amount of \$58,689.40 for the Services (“Coastal Proposal”); and

WHEREAS, the Commission desires to retain the services of Coastal Engineering to perform the Services in accordance with the Commission’s requirements as set forth in the Bid Specifications, the Coastal Proposal, and any applicable laws, rules, or regulations, and recommends that Coastal Engineering be awarded a contract for the Services (“Contract #2099”) in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the award of Contract #2099 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 #2099 for the work associated with the Services as set forth in the Bid Specification, Contract #2099 and the Coastal Proposal be awarded to Coastal Engineering for a total not-to-exceed amount of \$58,689.40 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 #2099 for the Services, incorporating the Commission’s requirements as set forth in the Bid Specification, Contract #2099 and the Coastal Proposal, 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 such 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 Contract #2099 shall be maintained in the Office of the Executive Director and made available for public inspection.

Commissioner Cutrone offered a motion to adopt the resolution authorizing the award and execution of Contract #2099 for work associated with the Post Brook Dam improvements; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Resolution – Authorizing the Second Renewal Option and One-Year Extension to Contract #2067 with Go Organic Lawn & Tree Care for Work Associated with Vegetation Management

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 #2067 WITH GO ORGANIC LAWN &
TREE CARE FOR WORK ASSOCIATED WITH VEGETATION
MANAGEMENT**

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

WHEREAS, the Commission previously determined there was a need to retain the services of a firm specializing in vegetation management services to provide vegetation management services for the Commission (the “Vegetation Management 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, on or about February 11, 2020, the Commission publicly advertised a Request for Proposals #003-2020 for the work associated with the Vegetation Management Services in accordance with requirements and specifications set forth therein, and subsequently received two proposals (the “Proposals”) on or about March 5, 2020, from various firms; and

WHEREAS, the Commission thereafter evaluated the Proposals and adopted Resolution #1915 on March 25, 2020, awarding Go Organic Lawn & Tree Care (“Go Organic”) a contract for the provision of Vegetation Management Services as the most qualified proposer, considering its experience and pricing (“Contract #2067”); and

WHEREAS, on April 9, 2020, the Commission and Go Organic executed Contract #2067, wherein the term of Contract #2067 is two (2) years, with the Commission reserving the right to renew Contract #2067 for up to two (2) additional, consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, on or about March 23, 2022, the Commission adopted Resolution #2047, authorizing and ratifying a one-year extension of Contract #2067 under the same terms and conditions as outlined in Contract #2067, and reserving the right to extend the contract for a second renewal under the same terms and conditions.

WHEREAS, the Commission has been satisfied with Go Organic, and wishes to invoke its second renewal option for a one (1) year extension to Contract #2067 under the same terms and conditions in the original contract; and

WHEREAS, the renewal of Contract #2067 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 #2067.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2067 with Go Organic is hereby renewed for a term of one (1) year, to April 9, 2024, to provide the Vegetation Management Services as described in Contract #2067; 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 #2067; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2067, 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 #2067 with Go Organic Lawn & Tree Care for work associated with vegetation management; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Resolution – Ratifying the Authorization of an Emergency Purchase Order for the Work Associated with the Wanaque North Aqueduct

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION RATIFYING THE AUTHORIZATION OF AN EMERGENCY
PURCHASE ORDER FOR THE WORK ASSOCIATED WITH THE WANAQUE
NORTH AQUEDUCT**

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, due to the nature and severity of the October 5, 2022, leak at the Commission’s Wanaque North Aqueduct (WNA) located at Bloomfield Avenue between Church Street and Centre Street in Nutley, New Jersey which caused severe flooding to residential properties, and in order to preserve the integrity of the various aqueduct appurtenances, the Commission is procuring the services of an experienced heavy civil contractor to perform emergency preventative maintenance and repairs on the WNA (“Emergency Services”); and

WHEREAS, the Emergency Services will include, but not be limited to, replacing the original flange hardware and outer drainage valves within the WNA’s Drainage Manholes, Air Valve Chambers, and Connection Chambers, as well as inspecting, diagnosing, and potentially repairing broken valves; and

WHEREAS, after comparing quotations from highly experienced heavy civil contractors, the Commission recommended that J. Fletcher Creamer and Son, Inc. (“Creamer”), be awarded the WNA Emergency Repairs Purchase Order in the amount of \$2,596,875.00; and

WHEREAS, this represents the lowest quotation received for the Emergency Services of \$2,331,875.00 plus an allowance in the amount of \$265,000.00; and

WHEREAS, this allowance includes funds for Scope of Services Task 4 items such as repair of existing broken valves, various chamber repairs resulting from inspections, purchase and installation of various appurtenances, manway installation, as well as for traffic control that will be needed to address chambers in or near roadways; and

WHEREAS, Creamer, a qualified company experienced in work necessary to expeditiously undertake the Emergency Services, has provided a Fee Quotation in the amount of \$2,331,875.00 for the provision of the Emergency Services, 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 determined that the aforementioned Emergency Services constituted an emergency warranting immediate action and repairs without the necessity of engaging in

public advertisement and bidding; and

WHEREAS, the Commission finds that Creamer's rates and Fee Quotation are reasonable under the circumstances; and

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

WHEREAS, the Commission desires to ratify the authorization and award of the Emergency Services to Creamer in accordance with its Fee Quotation.

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 constituted an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding.

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 existed.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes and ratifies the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$2,596,875.00 in accordance with its Fee Quotation.

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 Cutrone offered a motion to adopt the resolution ratifying the authorization of an emergency purchase order for the work associated with the Wanaque North aqueduct; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Wanaque North Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque North Operating Account in the amount of \$6,292,556.63; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Kuser offered a motion to approve the Wanaque South Operating Account in the amount of \$966,773.93; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone 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 Cutrone offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$948,361.32; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:54 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Kuser, Garofalo, Cassella and Cutrone voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary