

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, MARCH 25, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, March 25, 2020 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Executive Director, Todd R. Caliguire, Deputy Executive Director, Lloyd Naideck, Chief Operating Officer and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Robert C. Garofalo and James L. Cassella participated via teleconference. Bhavini A. Doshi, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC and Edmund Caulfield, Senior Counsel of the Governor's Authorities Unit also 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.*

Vice Chairman Shotmeyer 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 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:23 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of February 26, 2020; seconded by Commissioner Garofalo and approved with

Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Public Work Session Minutes of February 26, 2020; seconded by Commissioner Garofalo and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

Commissioner Garofalo offered a motion to approve the Purchase Requisitions over \$5000 Report for March 2020 in the amount of \$92,219.00 seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-33 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$2,625,757.51**
Paul Serillo, Director of Facilities and Les Malyskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #205-01 from Stone Hill Construction for Contract #2058 – Filter 12 Rehab in the amount of \$8,811.25**
Paul Serillo, Director of Facilities and Paul Kearney, Operations Manager approved invoice 3(b) for payment.
- c. **Invoice #370993 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,328.59**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #34148793 from Arcadis US, Inc. for Contract #1095 – Security Project Construction Oversight in the amount of \$1,672.75**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(d) for payment.
- e. **Invoice #0790712 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$3,000.00**
Maria Alliegro, Director of Engineering and Les Malyskyy, Engineering Project Manager approved invoice 3(e) for payment.
- f. **Invoice #1094-14 from Total Recall Corp. for Contract #1094 – Security Enhancements in the amount of \$415,917.13**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Tectonic Engineering & Surveying Services for Contract #2000 – Land Surveying Services in the amount of \$83,430.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(g) for payment.
- h. **Invoice #E6X93300011 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$47,278.63**
Paul Serillo, Director of Facilities and Les Malyskyy, Engineering Project Manager approved invoice 3(h) for payment.
- i. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Admin for RTF in the amount of \$12,810.80**
Maria Alliegro, Director of Facilities and Les Malyskyy, Engineering Project Manager approved invoice 3(i) for payment.

j. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$49,460.00

Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(j) for payment.

Commissioner Garofalo offered a motion to approve invoices 3(a) through 3(j); 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 an Addition to the Commission Rules and Regulations

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER
SUPPLY COMMISSION AUTHORIZING AN ADDITION TO THE
COMMISSION RULES AND REGULATIONS**

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 currently updating its Employee Handbook and seeks to add a new policy regarding an Emergency Sick Leave Bank Policy; and

WHEREAS, the proposed policy has been examined and approved by the Commission Labor Counsel.

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

1. The purpose of the Emergency Sick Leave Bank Policy is to provide paid sick leave to affected employees of the Commission who have exhausted sick leave balances during the period of a medical emergency. The Emergency Sick Leave Bank Policy shall be administered by the Human Resources Administrator of the Commission. The Emergency Sick Leave Bank Policy shall be applied consistently and fairly amongst all eligible employees that require sick days during a period of a medical emergency.
2. Employees that do not have enough sick days to cover the period of a medical emergency (“Affected Employee”) may receive and use sick days obtained through the Emergency Sick Leave Bank, which shall be created and shall contain sick days donated by Commission employees pursuant to paragraph 5 hereof.
3. Affected Employees are eligible to receive paid sick leave from the Emergency Sick Leave Bank for the following emergency medical circumstances: (1) he/she suffers from a catastrophic health condition or injury; (2) he/she needs to provide care to a member of the employee’s immediate family who is suffering from a catastrophic health condition or injury; (3) he/she requires absence from work due to the donation of an organ, including, but not limited to the donation of bone marrow; or (4) he/she requires absence from work during a period of disability due to the pregnancy of the employee, or of the employee’s significant other, which requires the care of a physician who provides a medical verification of the need for the employee’s absence from work for 30 or more days. Immediate family is defined as a father, mother, sister, brother, child, spouse, grandchild, grandmother, grandfather, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. Additional emergency medical circumstances shall be determined on a case-by-case basis and such determination must be requested by the Affected Employee in writing and agreed to by his/her supervisor and the Executive Director of the Commission in writing.

4. An Affected Employee may receive donated sick leave if he/she has completed at least two (2) years of continuous service and has exhausted all accrued sick, vacation, and personal days, all sick leave injury benefits, if any, and all compensatory time off. In the two-year period immediately preceding the Affected Employee's need for donated leave, he/she must not have been disciplined for chronic or excessive absenteeism, chronic or excessive lateness, or abuse of leave.
5. Commission employees who have been employed for more than two (2) years with greater than or equal to ten (10) sick days may voluntarily donate up to five (5) of his/her own accumulated and earned sick days to the Emergency Sick Leave Bank. Employees may only donate up to five (5) of his/her own sick days to the Emergency Sick Leave Bank once per year. Donation of additional days may be allowed but will be subject to the approval of the Executive Director. Said sick days shall be subtracted from the donating employee's total and deposited into the Emergency Sick Leave Bank, and then transferred to an Affected Employee as approved. An Affected Employee, or the Affected Employee's supervisor on behalf of the Affected Employee, may make a request for donated sick leave.
6. Donations shall be made by a Commission employee by contacting the Human Resources Administrator and submitting and executing the appropriate Bank Donation Form. Donations may be made at any time. A maximum of 260 sick days may be transferred to an Affected Employee. A leave recipient shall not receive any days on a retroactive basis. If the number of sick days received by an Affected Employee from the Emergency Sick Leave Bank exceeds the actual number of days needed by the Affected Employee for a medical emergency, the excess days shall be deducted from the Affected Employee's sick leave and returned to the Emergency Sick Leave Bank. While using donated leave time for a medical emergency, the Affected Employee shall continue to accrue sick leave and be entitled to retain that leave upon his/her return to work.

BE IT FURTHER RESOLVED, that this Emergency Sick Leave Bank 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 Ashkinaze offered a motion to adopt the resolution authorizing an addition to the Commission rules and regulations; 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 a Contract for Work Associated with Reservoir & Watershed Management

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR WORK ASSOCIATED WITH
RESERVOIR & WATERSHED 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 has determined that it is necessary to retain the services of a firm specializing in reservoir and watershed management advisory and consulting to provide such services for the Commission (the "Reservoir and Watershed Management Advisory/Consulting Services"); and

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

WHEREAS, the Commission 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 January 28, 2020, the Commission publicly advertised a request for proposals for the Reservoir and Watershed Management Advisory/Consulting Services (“RFP #002-2020”), and subsequently received two proposals on or about February 27, 2020; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the proposals and determined that Clean Waters Consulting, LLC (“Clean Waters”), which submitted a proposal to perform the Reservoir and Watershed Management Advisory/Consulting Services for a not-to-exceed amount of \$40,000.00, representing \$20,000.00 per year, submitted the most qualified, responsible, and responsive proposal for the Reservoir and Watershed Management Advisory/Consulting Services, and has recommended that Clean Waters be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the initial term shall be two (2) years, and the Commission may, in its sole discretion, offer up to two (2) additional one-year extensions under the same terms and conditions; and

WHEREAS, the Commission desires to retain the services of Clean Waters to perform the Reservoir and Watershed Management Advisory/Consulting Services in accordance with the Commission's requirements as set forth in RFP #002-2020, Clean Waters’ proposal, and any applicable laws, rules or regulations; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract for a two year term for Reservoir and Watershed Advisory/Consulting Services be awarded to Clean Waters as the most qualified, responsive, and responsible proposer in accordance with the Commission's enabling legislation and applicable State law, for an amount not to exceed \$40,000.00 (representing \$20,000.00 per year); and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Reservoir and Watershed Management Advisory/Consulting Services, incorporating the Commission’s requirements as set forth in RFP #002-2020, Clean Waters’ 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 a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Commissioner Garofalo offered a motion to adopt the resolution authorizing the award and execution of a contract for work associated with reservoir & watershed management; 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 a Contract 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 AWARD AND EXECUTION OF A
CONTRACT 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 has determined that it is necessary to retain the services of a firm specializing in vegetation management services to provide such 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, 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 February 11, 2020, the Commission publicly advertised a request for proposals for the Vegetation Management Services (“RFP #003-2020”), and subsequently received two proposals on or about March 5, 2020; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the proposals and determined that Go Organic Lawn & Tree Care (“Go Organic”), which submitted a proposal to perform Part I of the Vegetation Management Services for a not-to-exceed amount of \$8,750.00 per year, submitted the most qualified, responsible, and responsive proposal for Part I of the Vegetation Management Services, and has recommended that Go Organic be awarded a contract for Part I only of the Vegetation Management Services in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the initial term shall be two (2) years, and the Commission may, in its sole discretion, offer up to two (2) additional one-year extensions under the same terms and conditions; and

WHEREAS, the Commission desires to retain the services of Go Organic to perform Part I of the Vegetation Management Services in accordance with the Commission's requirements as set forth in RFP #003-2020, Go Organic’s proposal, and any applicable laws, rules or regulations; and

WHEREAS, the Commission has determined not to award a contract for Part 2 of the Vegetation Management services at this time; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract for a two year term for Vegetation Management Services be awarded to Go Organic as the most qualified, responsive, and responsible proposer in accordance with the Commission's enabling legislation and applicable State law for Part I of the Vegetation Management Services, for an amount not to exceed \$17,500.00 (representing \$8,750.00 per year); and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for Part I of the Vegetation Management Services, incorporating the Commission’s requirements as set forth in RFP #003-2020, Go Organic’s 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 a contract and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract for work associated with vegetation management; 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 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 \$8,322,709.70; seconded by Commissioner Ashkinaze 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 #58249.

Wanaque South 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 South Operating Account in the amount of \$912,320.31; 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 Garofalo offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$673,243.83; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Amedeo offered a motion to adjourn the meeting at 9:30 a.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.

Respectfully submitted,

Kim Diamond
Commission Secretary