

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, OCTOBER 28, 2020

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, October 28, 2020 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Lloyd Naideck, Deputy Executive Director, and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Jerome P. Amedeo, Donald C. Kuser 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 Robert C. Garofalo 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 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 Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Garofalo, Kuser and Cassella voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:38 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of September 23, 2020; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of September 23, 2020; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for October 2020 in the amount of \$142,548.17; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Commission Invoices:**

- a. **Invoice #1083-40 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$386,173.77**  
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-03 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$13,931.75**  
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #401683 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,545.25**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Various Invoices from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$25,575.00**  
Lewis Schneider, Director of Operations/Licensed Operator and David Kirkham, Director of Residuals approved invoice 3(d) for payment.
- e. **Various Invoices from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$17,850.00**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(e) for payment.
- f. **Various Invoices from Wilmington Trust – Trustee Fees for Wanaque South Project 2006 Debt Service Fund in the amount of \$4,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.
- g. **Invoice #3262-1 from Vollers Excavating & Construction, Inc. for Contract #2068 – Shooting Range Remediation in the amount of \$372,905.71**  
Maria Alliegro, Director of Engineering and Les Malysky, Engineering Project Manager approved invoice 3(g) for payment.
- h. **Various Invoices from Arcadis US, Inc. for Contract #1095 – Security Project Construction Oversight in the amount of \$2,702.50**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(h) for payment.
- i. **Invoice #5 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$1,312.50**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(i) for payment.
- j. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$4,300.00**  
Michael Dox, Plant Electrical Engineer and James Stachura, Project Engineer approved invoice 3(j) for payment.

- k. Various Invoices from DLB Associates Consulting Engineers for Contract #1045 – Electrical Infrastructure Study in the amount of \$9,215.00**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(k) for payment.
- l. Invoice #1094-15 FINAL from Total Recall Corp. for Contract #1094 – Security Enhancements in the amount of \$103,705.81**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(l) for payment.
- m. Invoice #2045-3 from Statewide Fence Contractors, LLC for Contract #2045 – Headworks Perimeter Fence in the amount of \$4,474.44 (Retainage)**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(m) for payment.
- n. Invoice E6X94200012 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$52,048.71**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(n) for payment.
- o. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$15,777.50**  
Maria Alliegro, Director of Facilities, Paul Serillo, Director of Facilities, James Stachura, Project Engineer, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(o) for payment.
- p. Invoice E6X96100006 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$21,937.16**  
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(p) for payment.
- q. Invoice #E6X93300017 from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study in the amount of \$27,377.60**  
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(q) for payment.
- r. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Admin for Clarifier Rehab 1-4 in the amount of \$23,003.17**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(r) for payment.

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

#### **Resolution – Authorizing Disposition of Obsolete Equipment**

Commission Secretary Kim Diamond read the following resolution:

#### **RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING DISPOSITION OF OBSOLETE EQUIPMENT**

**WHEREAS**, the North Jersey District Water Supply Commission (hereinafter “Commission”) is organized and exists pursuant to the provisions of N.J.S.A. 58:5-1 et seq., and constitutes a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Commission Staff has identified certain equipment which is no longer necessary for the safe and efficient operation of the Commission and has been determined to be of no monetary value; and

**WHEREAS**, the Commission desires to dispose of such equipment as permitted by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission hereby declares the equipment listed on Exhibit A to have no value and directs the Executive Director to dispose of all such equipment in the most economical fashion he deems appropriate, but in conformance to the greatest extent practicable with Treasury Circular 13-18-DPP.

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing disposition of obsolete equipment; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Approving the Execution of Joint Funding Agreement No. 21LJJFA28 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. 21LJJFA28 BETWEEN U.S. GEOLOGICAL SURVEY,  
UNITED STATES DEPARTMENT OF THE INTERIOR AND THE NORTH  
JERSEY DISTRICT WATER SUPPLY COMMISSION**

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

**WHEREAS**, the Commission 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. 21LJJFA28 (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 \$181,040 to the USGS, for the period from October 1, 2020 to September 30, 2021, 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. 21LJJFA28 between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission effective October 1, 2020 to September 30, 2021; 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.

Commissioner Kuser offered a motion to adopt the resolution approving the execution of Joint Funding Agreement No. 21LJFA28 between U.S. Geological Survey, United States Department of the Interior and the North Jersey District Water Supply Commission; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing a One-Year Extension of Contract #2032, #2033, #2034, #2035, #2036 and #2037 for the Furnishing and Delivery of Various Chemicals**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
AUTHORIZING A ONE-YEAR EXTENSION OF  
CONTRACTS #2032, #2033, #2034, #2035, #2036 AND #2037 FOR THE  
FURNISHING AND DELIVERY OF VARIOUS CHEMICALS**

**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 previously determined that there was a need to procure Sodium Hypochlorite, Powder Activated Carbon, Liquid Aluminum, Polyaluminum Chloride, Liquid Non-Zinc Orthophosphate 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 previously publicly advertised for bids for the furnishing and delivery of the Various Chemicals, and on or about November 28, 2018, via Resolution No. 1820 awarded six (6) contracts (each a “Contract” and collectively, the “Chemical Contracts”) as follows:

1. Contract #2032 – Sodium Hypochlorite (“**Contract #2032**”)  
JCI Jones Chemical Inc. \$.80/gallon
2. Contract #2033 – Powder Activated Carbon (“**Contract #2033**”)  
Calgon Carbon Corporation \$2,040/ton
3. Contract #2034 – Liquid Aluminum (“**Contract #2034**”)  
USALCO Baltimore Plant, LLC \$194.20/ton
4. Contract #2035 – Polyaluminum Chloride (“**Contract #2035**”)  
USALCO Baltimore Plant, LLC \$319.00/ton
5. Contract #2036 – Liquid Non-Zinc Orthophosphate (“**Contract #2036**”)  
Shannon Chemical Corp. \$577.57/ton
6. Contract #2037 – Hydrated Lime (“**Contract #2037**”)  
Greer Lime Company \$196.50/ton

**WHEREAS**, the Commission awarded the Chemical Contracts for an initial two-year term, with the right to renew the Chemical Contracts for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contracts; and

**WHEREAS**, it is necessary to procure the Chemical Contracts for an additional year; and

**WHEREAS**, the Commission finds that the aforementioned vendors have supplied the Chemical Contracts in an effective and satisfactory manner over the initial two-year term, and desires to extend the Chemical Contracts for an additional one-year period upon the same terms and conditions set forth in each Contract; and

**WHEREAS**, the award of this one-year extension of the 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 these contract extensions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contracts #2032, #2033, #2034, #2035, #2036 and #2037 for the furnishing and delivery of various chemicals, be and are hereby extended for one additional year upon the same terms and conditions set forth in the original Contracts; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare one-year extensions of Contracts #2032, #2033, #2034, #2035, #2036 and #2037 upon 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 extensions to Contracts #2032, #2033, #2034, #2035, #2036 and #2037 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman.

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing a one-year extension of Contract #2032, #2033, #2034, #2035, #2036 and #2037 for the furnishing and delivery of various chemicals; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of Contract #2073 for Work Associated with the Administration Building Lower Parking Lot Paving Project**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF  
CONTRACT #2073 FOR WORK ASSOCIATED WITH THE ADMINISTRATION  
BUILDING LOWER PARKING  
LOT PAVING PROJECT**

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

**WHEREAS**, the Commission determined there was a need to retain a qualified vendor to provide construction services associated with the Administration Building Lower Parking Lot Paving Project (the "Project");

**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**, the Commission publicly advertised a bid solicitation for the Project ("Contract #2073") through which process it received four bids on or about October 8, 2020 from various firms; and

**WHEREAS**, Commission staff has reviewed and evaluated the bids and determined that Haskell Paving, Inc. ("Haskell Paving"), who submitted a base bid of \$44,390.00 ("Base Bid"), and an additional unit cost of \$50.00 per square yard if base repairs ("Additional Repairs") are found to be required after milling operations, submitted the lowest conforming bid (the "Proposal"); and

**WHEREAS**, the Commission has examined the Proposal and has determined that the services and fees set forth therein are reasonable, necessary and appropriate, and has recommended that the Commission award and execute Contract #2073 with Haskell Paving to perform the services required therein in accordance with the Commission's enabling legislation and applicable State law; and

**WHEREAS**, the Commission staff has determined that an allowance of \$6,500 dollars should be included in the contract for Additional Repairs, for a total contract amount not to exceed \$50,890.00; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2073 for work associated with the Administration Building Lower Parking Lot Paving Project be awarded to Haskell Paving as the lowest conforming bidder in accordance with the Commission's enabling legislation, applicable State law and the Commission's Purchasing Policies and Procedures Manual, for an amount not to exceed \$50,890.00.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Administration Building Lower Parking Lot Paving Project, incorporating the Commission's requirements as set forth in Contract #2073 and any supplements thereto, the Proposal, and any applicable law, rule or regulation.

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

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

Commissioner Kuser offered a motion to adopt the resolution authorizing the award and execution of Contract #2073 for work associated with the Administration Building lower parking lot paving project; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order #3 to Contract #1083 with Stone Hill Contracting Company, Inc., for Residual Treatment Facility Upgrades for the Lagoon Decant Tower Discharge Project**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 3 TO CONTRACT  
#1083 WITH STONE HILL CONTRACTING COMPANY, INC., FOR RESIDUAL  
TREATMENT FACILITY UPGRADES FOR THE LAGOON DECANT TOWER  
DISCHARGE PROJECT**

**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 a team of qualified environmental firms to provide the design and construction ("Design-Build Services") of a lagoon decant treatment technology to ensure Commission compliance with the requirements of the Administrative Consent Order ("ACO") with the New Jersey Department of Environmental Protection ("NJDEP") concerning the lagoon decant discharge to surface waters; and

**WHEREAS**, this project is funded through the New Jersey Infrastructure Bank, formerly NJEIT ("NJIB"); and

**WHEREAS**, the Commission has previously publicly advertised a request for qualifications and proposals for Design-Build Services, and received proposals from interested parties; and

**WHEREAS**, on or about December 23, 2015, the Commission adopted a resolution awarding Stone Hill Contracting Company, Inc. ("Stone Hill"), in conjunction with H2M Architects and Engineers, and Kleinfelder, Inc., (collectively, the "Stone Hill Design Team") a contract for the provision of Design-Build Services ("Contract #1083"); and

**WHEREAS**, the original contract amount for Design-Build Services was an amount not to exceed \$4,100,000.00, but after a comprehensive study performed by the Stone Hill Design Team it was found that recycling the lagoon decant discharge to the head of the plant was not a viable option due to high levels of total and dissolved organic carbon (TOCs and DOCs) resulting in part from an antiquated residual treatment facility (“RTF”); and

**WHEREAS**, the Stone Hill Design Team then evaluated seventeen different technologies to find a viable alternative for meeting the ACO requirements, eventually proposing a solution centered on electrocoagulation for \$18,700,000.00; and

**WHEREAS**, at the request of the Commission, the Commission’s General Engineering Consultant, Jacobs Engineering (“Jacobs”), submitted a Basis of Design Report presenting an alternate concept that focused on rehabilitating the RTF rather than treating the current state of the decant discharge as the Stone Hill Design Team proposed; and

**WHEREAS**, on or about February 27, 2019 the Commission authorized a change order to Contract #1083, which incorporated Jacobs’ Basis of Design Report and a scope of work including the RTF rehabilitation, a temporary treatment system while the RTF is off-line, upgrade of the lagoon decant tower, and cleaning of the lagoon, which taking into consideration the remaining contract balance amounted to \$22,488,642.00 (“Change Order No. 1”); and

**WHEREAS**, to meet the requirements of the ACO with NJDEP, Change Order No.1 was executed with a substantial completion deadline of May 1, 2020; and

**WHEREAS**, since then, Stone Hill has been working diligently to meet the May 1, 2020 substantial completion deadline, and had been keeping the project on target, however, the recent Covid-19 pandemic and related state restrictions have had a critical effect on the schedule stemming from a depleted workforce including union labor, permit review delays and equipment manufacturing and delivery setbacks; and

**WHEREAS**, due to the encountered delays, on or about May 27, 2020, the Commission adopted Resolution 1921 authorizing Change Order #2 to allow a new substantial completion deadline of August 31, 2020, which was to be followed by a three-month period of equipment and process optimization, and continued sludge operation with the temporary Belt Filter Presses, for a Final Completion date of November 30, 2020 (“Change Order #2”); and

**WHEREAS**, Stone Hill has already achieved substantial completion of the work, but has indicated that pandemic related delays have continued through the year, and therefore is seeking a new Final Completion date of November 30, 2021 (“Change Order #3”); and

**WHEREAS**, the new deadline set forth in Change Order #3 is contingent upon review and acceptance by the NJIB; and

**WHEREAS**, Commission staff have examined Change Order #3 and have determined that the extension requested therein is reasonable, necessary and appropriate, and have recommended that the Commission approve Change Order No. 3 to Contract #1083; and

**WHEREAS**, the award of this Change Order No. 3 to Contract #1083 is necessary for the efficient operation of the Commission; and

**WHEREAS**, no additional funds are required for this Change Order No. 3 to Contract #1083.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 3 to Contract #1083 with Stone Hill is hereby approved.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 3 to Contract #1083, extending certain deadlines as set forth herein, with all other terms and conditions of Contract #1083 to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 3 to Contract #1083 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 Kuser offered a motion to adopt the resolution authorizing change order no. 3 to Contract #1083 with Stone Hill Contracting Company, Inc., for Residual Treatment Facility upgrades for the lagoon decant tower discharge project; seconded by Commissioner



Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing Emergency Work Associated with Leaks at Pipes Located Near Carlough Field**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING EMERGENCY WORK ASSOCIATED WITH  
LEAKS AT PIPES LOCATED NEAR CARLOUGH FIELD**

**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**, on September 23, 2020 the Commission identified a leak just outside of the chamber that houses the 48-inch Ramapo Force Main (“RFM”) at Station 207+75; and

**WHEREAS**, the leak is emanating from the RFM and is in a grassy area adjacent to Carlough Field in Pompton Lakes (the “RFM Leak”), a location regularly used by the public, and therefore requiring immediate and emergency repairs; and

**WHEREAS**, in addition to repairing the RFM Leak, a stilling well with a level sensor and transmitter that has been recommended by the Commission’s general consultant, Jacobs Engineering, to quickly detect future leaks within the chamber, will be installed (the “Stilling Well”); and

**WHEREAS**, because the chamber will be dewatered to repair the RFM Leak, it is economically and technically prudent to install the Stilling Well while the RFM Leak is addressed; and

**WHEREAS**, J. Fletcher Creamer and Son Inc. (“Creamer”) a qualified company experienced in the work necessary to expeditiously undertake both the RFM Leak and the Stilling Well (together, the “Emergency Services”) has provided a budgetary estimate in the amount of \$59,643.50 (the “Estimate”), 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 constitutes 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 proposal are reasonable under the circumstances; and

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

**WHEREAS**, the Commission desires to authorize Creamer to perform the Emergency Services in accordance with its 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 constitutes 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 exists.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of \$59,643.50, in accordance with its estimate.

**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 emergency work associated with leaks at pipes located near Carlough Field; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Resolution – Authorizing a Service Agreement with the Wanaque Valley Regional Sewerage Authority**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING A SERVICE AGREEMENT WITH THE  
WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY**

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

**WHEREAS**, pursuant to N.J.S.A. 40:14B-1 *et seq.*, the Authority is a public body corporate duly organized and existing under and by virtue of the laws of the State, exercising public and essential governmental functions and providing for the public health and welfare, and is engaged in the operation of a sewage treatment system (the “Authority System”) which includes the collection, treatment, purification or disposal of sewage or other wastes; and

**WHEREAS**, the Commission has an existing connection to the Authority System through the local sewerage system of the Borough of Wanaque, and currently discharges only sanitary waste into the Authority System; and

**WHEREAS**, the Commission desires to modify its discharge into the Authority System by increasing the volume of sewage discharge into the Authority System and by including industrial waste produced from the Commission’s water treatment operations (the “Additional Discharges”); and

**WHEREAS**, the Authority has available capacity for use within the Authority System, a portion of which it is willing to utilize to serve the Commission and permit the Additional Discharges at the disposal rate of \$0.0495/gallon; and

**WHEREAS**, the Commission shall also provide funding for labor, analytical and summary reporting fees via an escrow not to exceed \$400.00/month; and

**WHEREAS**, the Commission desires to enter into a Service Agreement (the “Service Agreement”), the form of which is attached hereto, which sets forth the rights and obligations of the parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that a Service Agreement with the Wanaque Valley Regional Sewerage Authority is hereby authorized; and

**BE IT FURTHER RESOLVED**, that the disposal rate for the Additional Discharges shall be \$0.0495/gallon, and the Commission shall provide an escrow not to exceed \$400/month to cover certain overhead costs of the Authority; and

**BE IT FURTHER RESOLVED**, that the Executive Director and General Counsel are hereby authorized to finalize the Service Agreement as described within this resolution, with any additional edits as may be recommended by General Counsel; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the Service Agreement and any other documents necessary to effectuate this resolution, 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 a service agreement with the Wanaque Valley Regional Sewerage Authority; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser 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 Ashkinaze offered a motion to approve the Wanaque North Operating Account in the amount of \$21,465,721.27; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Wanaque South Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Operating Account in the amount of \$5,561,899.53; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

**Wanaque South Joint Venture Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$551,769.59; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:48 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond  
Commission Secretary