

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, JANUARY 27, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, January 27, 2021 at 9:01 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Present were Timothy J. Eustace, Lloyd L. Naideck, Deputy Executive Director, and William Schaffner, Chief Financial Officer. Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Alan S. Ashkinaze, Donald C. Kuser, 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 Jerome P. Amedeo was absent.

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 2021 through December 2021.

Vice Chairman Shotmeyer offered a motion to appoint Howard L. Burrell to the position of Chairman for the period from January 2021 through December 2021; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Chairman Burrell then offered a motion to appoint Charles P. Shotmeyer to the position of Vice Chairman for the period from January 2021 through December 2021; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella 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 2021**

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 2021 or until his successor shall have been duly appointed in accordance with the Commission's authorizing legislation.

Commissioner Ashkinaze offered a motion to adopt the resolution appointing a Chairman and Vice Chairman for the year 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella 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 Ashkinaze offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:06 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 December 16, 2020; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of December 16, 2020; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for January 2021 in the amount of \$216,523.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commission Invoices:

- a. **Invoice #1083-43 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$400,520.43**
Paul Serillo, Director of Facilities and Les Malytskyy, Engineering Project Manager approved invoice 3(a) for payment.

- b. Invoice #2054R-06 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$217,843.55**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. Invoice #414624 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$3,739.63**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$1,400.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(d) for payment.
- e. Invoice #45807 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$24,750.00**
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(e) for payment.
- f. Invoice #91330-1601 from McPhee Electric (formerly JBL) for Contract #2060 – Electrical Contracting Services – Electrical Contracting Services in the amount of \$8,800.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(f) for payment.
- g. Various Invoices from J.D. Solomon, Inc. for Contract #2065 – Support of Asset Management Study in the amount of \$5,160.00**
Paul Serillo, Director of Facilities and Maria Alliegro, Director of Engineering approved invoice 3(g) for payment.
- h. Invoice #2028-05 from Systems Electronic, Inc. for Contract #2028 – Fire Alarm Upgrade in the amount of \$8,050.00**
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(h) for payment.
- i. Invoice #2070-2 from C.J. Vanderbeck & Son, Inc. for Contract #2070 – Filter Building Boiler Replacement in the amount of \$225,606.00**
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(i) for payment.
- j. Invoice #124228 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of \$19,696.25**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(j) for payment.
- k. Various Invoices from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$2,537.50**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(k) for payment.
- l. Invoice #22565 from Landscape Materials, Inc. for Contract #2046 – Removal of Residuals in the amount of \$99,325.00**
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(l) for payment.
- m. Invoice #1210207 from Haskell Paving, Inc. for Contract #2073 – Administration Lower Parking Lot Paving Project in the amount of \$37,595.90**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(m) for payment.
- n. Invoice #E6X94200015 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$18,670.87**
Maria Alliegro, Director of Engineering and Les Malysky, 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 \$13,720.50**
Maria Alliegro, 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 E6X96100009 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$33,851.29**
Maria Alliegro, Director of Facilities and James Stachura, Project Engineer approved invoice 3(p) for payment.

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

Resolution – Authorizing Banking Institutions for Calendar Year 2021

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE
NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING BANKING INSTITUTIONS FOR CALENDAR YEAR 2021**

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 2021.

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 2021 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 Ashkinaze offered a motion to adopt the resolution authorizing banking institutions for calendar year 2021; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella 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 \$1,735.20 for 2020; 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 Ashkinaze offered a motion to adopt the resolution authorizing an amendment to the Commission Medicare Premium Reimbursement Policy; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella 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, 2019 through December 31, 2022.; 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 Ashkinaze offered a motion to adopt the resolution approving a Memorandum of Agreement between the Commission and Teamsters Local 97; seconded by

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

Resolution – Authorizing the Award and Execution of a Contract for the Provision of Media Relations Consulting Services

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 THE PROVISION OF MEDIA RELATIONS CONSULTING
SERVICES**

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

WHEREAS, the Commission has determined there is a need to retain a consulting firm to provide media relations and other related services for a term of one year (“Media Relations 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's Purchasing Policies and Procedures provide that the Commission may delegate authority to the Executive Director to obtain professional consulting services pursuant to a letter of engagement where the cost of such services is below the approved threshold amount as set by N.J.S.A. 58:5-20; and

WHEREAS, Public Strategies Impact, LLC ("Public Strategies") has proposed to provide the Media Relations Consulting Services for a term of one year for a total fee of \$17,000.00, to be billed quarterly; and

WHEREAS, the Executive Director has determined that Public Strategies has the requisite skills and experience to perform the Media Relations Consulting Services and wishes to retain the services of Public Strategies for a term of one year for this purpose; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for these services; and

WHEREAS, obtaining these services 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Executive Director is hereby authorized to engage Public Strategies for a term of one year for a total fee of \$17,000.00, to be billed quarterly, for the purpose of providing the Commission with Media Relations Consulting Services; and

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to prepare and execute a letter of engagement with Public Strategies for the performance of Media Relations Consulting Services; and

BE IT FURTHER RESOLVED that a copy of this resolution and the letter of engagement 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 the provision of media relations consulting services; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing a Tax Appeal Settlement with the Borough of Pompton Lakes with Respect to Block 2800, Lot 6; Block 7803, Lot 19; Block 7805, Lot 3; Block 7806, Lot 48; and Block 7806, Lot 50 within the Borough for the 2018 through 2021 Tax Years

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A TAX APPEAL SETTLEMENT WITH THE
BOROUGH OF POMPTON LAKES WITH RESPECT TO BLOCK 2800, LOT 6;
BLOCK 7803, LOT 19; BLOCK 7805, LOT 3; BLOCK 7806, LOT 48; AND,
BLOCK 7806, LOT 50 WITHIN THE BOROUGH FOR THE 2018 THROUGH
2021 TAX YEARS**

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 owner of certain property located at Block 2800, Lot 6; Block 7803, Lot 19; Block 7805, Lot 3; Block 7806, Lot 48; and, Block 7806, Lot 50 on the tax maps of the Borough of Pompton Lakes (the "Borough"); and

WHEREAS, the Commission filed a series of appeals to the Tax Court of New Jersey for the said premises for the 2018 through 2020 tax years, seeking to reduce the assessed value of the premises; and

WHEREAS, the parties have engaged in settlement negotiations to try and resolve all appeals across all outstanding tax years, and to negotiate assessments for the 2021 tax year as a material component of any such settlement, all as set forth within the Letter Agreement accompanying this Resolution as Exhibit A; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached on the follow terms with respect to the subject premises:

SETTLEMENT PROPOSAL FOR ALL OUSTANDING TAX YEARS

- Upon confirmation that the assessment has been changed by the Borough Assessor for Tax Year 2021 in MOD IV as contemplated in herein, and within the Letter Agreement accompanying this Resolution as Exhibit A, the Commission will withdraw the tax appeals filed for the 2018-2020 Tax Years and presently pending under Docket Nos. 8529-18, 9511-19, 10970-20, 8527-18, 9716-19, and 10975-20. The Borough will also withdraw any counterclaims, if any, for the said tax years with respect to which it may have filed with respect to the subject premises.
- As a material component of the settlement, the 2021 assessment for the subject premises shall be reduced by the Borough Assessor as follows:

Block 2800, Lot 6	-	\$135,200
Block 7803, Lot 19	-	\$59,700
Block 7805, Lot 3	-	\$82,900
Block 7806, Lot 48	-	\$25,700
Block 7806, Lot 50	—	\$13,700

These assessments will as noted be established for the 2021 Tax year by the Borough Assessor, and confirmed by entry in MOD IV showing the 2021 assessment reductions. The Borough shall supply written indicia that the foregoing has been done; and

WHEREAS, the Commission's General Counsel, in consultation with the Executive Director (and pursuant to analysis of the reports prepared by its Appraisal Consultant), have recommended this settlement to the Commission in light of the foregoing, all consistent with the Letter Agreement accompanying this Resolution as Exhibit A; and

WHEREAS, the Board of Commissioners of the Commission is of the opinion that the said settlement is in the best interests of the Commission, all for the reasons aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the settlement in this matter as set forth herein above, and within the Letter Agreement accompanying this Resolution as Exhibit A (as may be modified on the recommendation of General Counsel in consultation with the Executive Director), be and the same approved by the Board, and General Counsel be and hereby is authorized and directed to effectuate the said settlement, including the execution of all documents reasonably necessary to achieve that end, including by way of example and not limitation, the attached Letter Agreement.

BE IT FURTHER RESOLVED that to the degree necessary, all necessary Commission staff and personnel are similarly authorized and directed to effectuate the said settlement, including by the execution of all documents reasonably necessary to achieve that end, including by way of example and not limitation, the attached Letter Agreement as necessary.

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 a tax appeal with the Borough of Pompton Lakes with respect to Block 2800, Lot 6; Block 7803, Lot 19, Block 7805, Lot 3; Block 7806, Lot 48; and Block 7806, Lot 50 within the Borough for the 2018 through 2021 tax years; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Execution of a Cooperation Agreement with the Borough of Wanaque for the Delivery of Emergency Fuel Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE EXECUTION OF A COOPERATION
AGREEMENT WITH THE BOROUGH OF WANAQUE FOR THE DELIVERY
OF EMERGENCY FUEL SERVICES**

WHEREAS, the North Jersey District Water Supply Commission ("Commission") is a public body corporate duly organized and existing under and by virtue of the laws of the State of New Jersey, exercising

public and essential governmental functions and providing for the public health and welfare, and is engaged in developing raw water sources, storing water and distributing a reliable supply of potable water to its participating municipalities; and

WHEREAS, pursuant to N.J.S.A. 40:14B-1 et seq., the Borough of Wanaque in Passaic County, New Jersey (“Borough”) is a public body corporate duly organized and existing under and by virtue of the laws of State, exercising public and essential governmental functions; and

WHEREAS, the Commission and the Borough (collectively the “Parties”) desire to enter into an agreement to allow the Commission to purchase fuel from the Borough in the event of a State of Emergency or other unforeseen circumstances (the “Fuel Services”); and

WHEREAS, the Borough is prepared to provide the Fuel Services contemplated for a term of five (5) years, in accordance with the cooperation agreement attached hereto as Exhibit A (the “Cooperation Agreement”); and

WHEREAS, the Commission finds that the Cooperation Agreement is reasonable and desires to authorize the Borough to perform the Fuel Services in accordance with the Cooperation Agreement; and

WHEREAS, the Cooperation Agreement is necessary for the Commission’s efficient water treatment operations, the protection of the Commission’s water supply facilities, and the health, safety and welfare of the public; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall enter into the Cooperation Agreement with the Borough for the provision of the aforementioned Fuel Services.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the Cooperation Agreement attached hereto.

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 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 execution of a cooperation agreement with the Borough of Wanaque for the delivery of emergency fuel services; seconded by Commissioner Kuser and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the First Renewal Option and One Year Extension to Contract #2046 with Landscape Materials Inc. for the Management and Removal of the Wanaque Water Treatment Plant Residuals

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE FIRST RENEWAL OPTION AND ONE
YEAR EXTENSION TO CONTRACT #2046 WITH LANDSCAPE MATERIALS
INC. FOR THE MANAGEMENT AND REMOVAL OF THE WANAQUE
WATER TREATMENT PLANT RESIDUALS**

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 services associated with the management and removal of the Wanaque Water Treatment Plant Residuals, including the trucking and management of the beneficial reuse process (the “Services”); and

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

WHEREAS, the Commission previously twice publicly advertised and solicited bids for the Services and received no satisfactory proposals; and

WHEREAS, the Commission thereafter obtained a quote from Landscape Materials Inc. (“LMI”) to provide the Services for a price of \$34.25/cubic yard (“CY”) for a two-year period; and

WHEREAS, on March 25, 2019, the Commission and LMI executed Contract #2046 (“**Contract #2046**”), wherein the term of Contract #2046 is two (2) year, with the Commission reserving the right to renew Contract #2046 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

WHEREAS, the Commission has been satisfied with LMI’s Services and wishes to invoke its first renewal option and one (1) year extension to Contract #2046 under the same terms and conditions, with the rate of residual removal assessed as \$34.25/CY and a minimum approval of 3000/CY during the term, while also reserving the right to request the second renewal option for an additional one (1) year term as outlined in Contract #2046; and

WHEREAS, the renewal of Contract #2046 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 #2046.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2046 with LMI is hereby renewed for a term of one (1) year, to March 31, 2022, to provide the Services as described in Contract #2046; 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 #2046; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2046 and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or the Vice Chairman; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution authorizing the first renewal option and one year extension to Contract #2046 with Landscape Materials Inc. for the management and removal of the Wanaque water treatment plant residuals; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Execution and Recording of a Revised Easement Granting a Recreational Trail Easement to the Township of Pequannock

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING THE EXECUTION AND RECORDING OF A REVISED EASEMENT
GRANTING A RECREATIONAL TRAIL EASEMENT
TO THE TOWNSHIP OF PEQUANNOCK**

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 owner in fee simple of certain real property in designated as Block 902, Lot 26, on the official Tax Maps of the Township of Pequannock (the “Township”), County of Morris, New Jersey (the “Commission Property”); and

WHEREAS, the Commission Property, in its present condition, has natural elements and ecological, aesthetic, educational and recreational values which the Commission desires to have preserved and maintained; and

WHEREAS, the Township desires to construct a recreational trail along certain points of the Commission Property for the purpose of passive recreational activities such as walking, hiking, jogging, biking, baby stroller usage, bird watching, nature study and horseback riding (the "Recreational Trail"); and

WHEREAS, in order to obtain permission to construct, use and maintain the Recreational Trail, the Township previously requested that the Commission grant a perpetual, non-exclusive easement on, over and across said portions of the Commission Property; and

WHEREAS, on July 22, 2020, the Board of Commissioners adopted Resolution #1932 authorizing execution of an easement for the aforementioned purposes, but with the request that the uses be reviewed and made consistent with the Commission's other trail easements, if possible; and

WHEREAS, the Township and the Commission have since reviewed and revised trail easement, and have finalized the document to be in substantially the form attached hereto as Exhibit A (the "Revised Easement"); and

WHEREAS, the Commission recognizes the importance of the Recreational Trail and desires to convey the Revised Easement in order to promote the development of the Recreational Trail, preserve open space, protect and enhance the natural and scenic resources, increase levels of physical activity, promote non-motorized modes and access to transit and prevent the use or development of the Commission Property for any purpose or in any manner that conflict with said goals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission shall enter into an Revised Easement, in substantially the form attached hereto, with the Township of Pequannock to develop the Recreational Trail as set forth herein; and

BE IT FURTHER RESOLVED, that the exact location of the easement areas over the Commission Property shall be as set forth in the legal descriptions attached as Exhibit A to the Revised Easement; and

BE IT FURTHER RESOLVED, that the grant of rights pursuant to the Revised Easement shall be limited and restricted to those uses set forth in the Revised Easement; and

BE IT FUTHER RESOLVED, that the Chairman or Vice Chairman of the Commission are hereby authorized to execute the Revised Easement and the Secretary of the Commission is authorized to attest to the signature of either the Chairman or Vice Chairman at such time as the terms of the Revised Easement are finalized, as confirmed by the Commission's General Counsel; and

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the execution and recording of a revised easement granting a Recreational Trail Easement to the Township of Pequannock; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Wanaque North Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque North Operating Account in the amount of \$14,000,188.88; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained on check #60008.

Wanaque South Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$6,296,410.32; seconded by

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

Wanaque South Joint Venture Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$0.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:45 a.m.; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary