

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, FEBRUARY 24, 2021

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, February 24, 2021 at 9:00 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 Rudy Rodas, Associate 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.

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 9:03 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 January 27, 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.

Commissioner Ashkinaze offered a motion to approve the Public Work Session Minutes of January 27, 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.

Commissioner Ashkinaze offered a motion to approve the Purchase Requisitions over \$5000 Report for February 2021 in the amount of \$46,260.00; 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 #1083-44 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$344,774.36**  
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #2054R-07 from Stone Hill Construction for Contract #2054R – Filter Building Ventilation Project in the amount of \$108,823.78**  
Maria Alliegro, Director of Facilities and Chris Clamser, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #418235 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$2,198.03**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #45890 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$55,275.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Doug Delorie, Manager of Residuals approved invoice 3(d) for payment.
- e. **Invoice #45829 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$7,706.80**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #10 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$2,100.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(f) for payment.
- g. **Invoice #114619-A from Wilmington Trust – NJIB Trustee Fees for Wanaque South Project 2020-2 Series in the amount of \$3,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(g) for payment.
- h. **Invoice #111-1913444 from BNY Mellon – NJ Infrastructure Trustee Fees in the amount of \$3,500.00**  
William Schaffner, Chief Financial Officer approved invoice 3(h) for payment.
- i. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2039 – Asset Management Study – FINAL PAYMENT in the amount of \$13,104.07**  
Paul Serillo, Director of Facilities and Les Malysky, Engineering Project Manager approved invoice 3(i) for payment.
- j. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$117,452.42**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(j) for payment.

- k. Invoice E6X94200016 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$21,991.37**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice 3(k) for payment.
- l. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$3,932.50**  
Maria Alliegro, Director of Facilities, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(l) for payment.
- m. Invoice E6X96100010 from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$23,685.34**  
Maria Alliegro, Director of Facilities, Chris Clamser, Project Engineer and Les Malytskyy, Engineering Project Manager approved invoice 3(m) for payment.

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

**Resolution – Authorizing Amendment No. 1 to Contract #2052 with Jacobs Engineering, Inc. for Additional Construction Administration Services for the Residual Treatment Facility (RTF) Upgrade**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING AMENDMENT NO. 1 TO CONTRACT #2052  
WITH JACOBS ENGINEERING, INC. FOR ADDITIONAL CONSTRUCTION  
ADMINISTRATION SERVICES FOR THE RESIDUAL TREATMENT  
FACILITY (RTF) UPGRADE**

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

**WHEREAS**, the Commission previously determined that there was a need to retain a team of qualified engineering and construction firms to study, design and construct upgrades related to the Commission’s Water Treatment Plant in Wanaque, New Jersey, including rehabilitation and upgrade of the Residual Treatment Facility (the “Project”), to ensure compliance with the requirements of a certain Administrative Consent Order with the New Jersey Department of Environmental Protection; and

**WHEREAS**, the Commission previously awarded the Project to Stone Hill Contracting Company, including their team of architects and engineers (“Stone-Hill”), with an initial substantial completion date of May 1, 2020 for the Project (“Contract #1083”); and

**WHEREAS**, the Commission previously determined there was a need to retain a professional engineering firm to provide construction administration services, including but not be limited to, communication and meetings with, and reviewing, reporting, monitoring, inspecting and observing the work, progress and final punch-list items of Stone-Hill (the “Construction Administration Services”); and

**WHEREAS**, on or about April 2, 2019, the Commission publicly advertised a request for qualifications and proposals for the Construction Administration Services, and received proposals from interested parties; and

**WHEREAS**, on or about June 26, 2019 the Commission adopted a resolution awarding Jacobs Engineering, Inc. (“Jacobs”) a contract for the provision of the Construction Administration Services (“Contract #2052”); and

**WHEREAS**, Stone-Hill had been working diligently to meet the May 1, 2020 substantial completion deadline, and had been keeping the project on target, however, due to the Covid-19 pandemic and related state restrictions, there was 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, the Commission authorized Change Order #2 to Contract #1083 to allow a new substantial completion deadline of August 31, 2020 and new final completion date of November 20, 2020 (“Change Order #2”); and

**WHEREAS**, due to the continued impacts and delays, the Commission authorized Change Order #3 to Contract #1083 authorizing a new final completion date of November 30, 2021 (“Change Order #3”); and

**WHEREAS**, subsequently, Jacobs’ scope of work under Contract #2052 has expanded due to this longer construction schedule, requiring additional project management oversight, design reviews, inspection services, and start-up troubleshooting; and

**WHEREAS**, the Commission believes it is necessary to increase the budget of Contract #2052 by \$100,000 from \$391,500 to \$491,500, to complete the Construction Administration Services as further set forth in the proposal from Jacobs dated February 9, 2021 (“**Amendment No. 1**”); and

**WHEREAS**, Commission staff have examined Amendment No. 1 to Contract #2052 and have determined that the terms set forth therein are reasonable, necessary and appropriate, and have recommended that the Commission approve Amendment No. 1 to Contract #2052; and

**WHEREAS**, the award of this Amendment No. 1 to Contract #2052 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 this Amendment No. 1 to Contract #2052.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 1 to Contract #2052 with Jacobs adding \$100,000 to Contract #2052 is hereby approved, bringing the total not-to-exceed amount for Contract #2052 to \$491,500; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 1 to Contract #2052, with all other terms and conditions of Contract #2052, to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Executive Director of the Commission is hereby authorized to execute Amendment No. 1 to Contract #2052, and the Secretary of the Commission is authorized to attest to the signature of the Executive Director; 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 Amendment No. 1 to Contract #2052 with Jacobs Engineering, Inc. for additional construction administration services for the Residual Treatment Facility (RTF) upgrade; 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 Emergency Work Associated with the Great Notch Pump Station Emergency Valve Replacement**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING EMERGENCY WORK ASSOCIATED WITH  
THE GREAT NOTCH PUMP STATION VALVE REPLACEMENT**

**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**, while trying to isolate the 24-inch surge relief valve at the Great Notch Pump Station located in Little Falls, New Jersey, the Commission’s maintenance crew discovered that the 24-inch gate valve (the “Emergency Valve”) required to feed the Jersey City (SUEZ) system was not operational; and

**WHEREAS**, due to the Emergency Valve's age and criticality in an emergent situation, it is recommended that the whole valve be excavated and replaced, covered with a precast concrete chamber to allow access for future maintenance, and after completion thereof, the site be restored, including repaving of the access road adjacent to the Emergency Valve (collectively, the "Emergency Services"); 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 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 invited quotes for the Emergency Services from several contractors, and selected the quote from J. Fletcher Creamer and Son Inc. ("Creamer"), attached hereto, in the amount not to exceed \$150,000.00; and

**WHEREAS**, the Commission finds that Creamer is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services and that its rates and proposal are the lowest and most 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, in an amount not to exceed \$150,000.00, in accordance with its proposal.

**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 emergency work associated with the Great Notch Pump Station emergency valve replacement; seconded by Commissioner Garofalo 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 \$16,284,592.29; seconded by Commissioner Kuser 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 #60321.

**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 \$1,465,720.00; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Garofalo and Cassella voting in the affirmative.

**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 \$2,141,308.12; 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 9:48 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