

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, MAY 25, 2022

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, May 25, 2022 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer and Commissioners Donald C. Kuser and James L. Casella were recorded present. Also present were Timothy J. Eustace, Executive Director; William Schaffner, Chief Financial Officer, Kim Diamond, Commission Secretary and Dorian Smith, Associate Counsel of the Governor's Authority Unit. Commissioner Robert C. Garofalo and Francine C. McManimon, Esq., Commission Counsel from the law firm of McManimon, Scotland & Baumann, LLC participated via teleconference. Commissioners Alan S. Ashkinaze and Jerome P. Amedeo were absent.

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

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

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:48 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of April 27, 2022; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of April 27, 2022; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Commissioner Kuser offered a motion to approve the Purchase Requisitions over \$5000 Report for May 2022 in the amount of \$235,986.63; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. **Invoice #1083-59 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$475,439.39**
Paul Serillo, Director of Facilities and Les Malyskyy, Engineering Project Manager approved invoice 3(a) for payment.
- b. **Invoice #506023 from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of \$5,493.78**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #52293 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$5,587.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(c) for payment.
- d. **Invoice #13169676 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,234.18**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(d) for payment.
- e. **Invoice #833133 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$300.00**
Maria Alliegro, Director of Engineering and Les Malyskyy, Engineering Project Manager approved invoice (e) for payment.
- f. **Invoice #833330 from GZA GeoEnvironmental, Inc. for Contract #2079 – Pompton Dam Spillway Apron Investigation in the amount of \$5,502.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice (f) for payment.
- g. **Invoice #23451 from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$26,350.00**
Doug Delorie, Manager of Facilities and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(g) for payment.
- h. **Invoice E6X94200030 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$1,677.75**
Maria Alliegro, Director of Engineering and Les Malyskyy, Engineering Project Manager approved invoice 3(h) for payment.
- i. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2062 – Design of Interconnection with Newark in the amount of \$951.39**
Maria Alliegro, Director of Facilities and James Stachura Project Engineer approved invoice 3(i) for payment.

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

Resolution – Designating Directors to the Dundee Water, Power & Land Company

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION DESIGNATING DIRECTORS TO THE DUNDEE WATER,
POWER & LAND COMPANY**

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

WHEREAS, the Dundee Water Power and Land Company (“Dundee”) is a corporation of the State of New Jersey which owns, operates and maintains property and certain water resources located in the municipalities of Clifton and Garfield, New Jersey; and

WHEREAS, the Commission and Veolia Utility Resources LLC (formerly SUEZ Water Resources LLC) (“Veolia”) are each respectively 50% shareholders in Dundee; and

WHEREAS, pursuant to the Dundee Shareholder Agreement and By-Laws, the Dundee Board of Directors is comprised of four (4) Directors, two (2) of whom shall be designated by the Commission, and two (2) of whom shall be designated by Veolia; and

WHEREAS, the Commission needs to designate two (2) of its Commissioners to serve as the Commission’s representative Directors on the Dundee Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Howard L. Burrell and Charles P. Shotmeyer are hereby designated to serve as the Commission’s representative Directors on the Dundee Water Power and Land Company Board of Directors until future designations are made; 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 designating directors to the Dundee Water, Power & Land Company; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with Colliers Engineering & Design, Inc. for Work Associated with Professional Land Surveying Services for Commission-Owned Dams

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT WITH COLLIERS ENGINEERING & DESIGN, INC. FOR WORK
ASSOCIATED WITH PROFESSIONAL LAND SURVEYING SERVICES FOR
COMMISSION-OWNED DAMS**

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

WHEREAS, the Commission has determined that it is necessary to retain the services of a qualified contractor to perform the Land Surveying Services for Commission-Owned Dams in accordance with the requirements of RFP #002-2022 (defined herein) (the “Services”); and

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

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

WHEREAS, on or about April 7, 2022, the Commission publicly advertised a Request for Proposals and qualification statements for work associated with the Services in accordance with the requirements and specifications set forth therein (“RFP #002-2022”), and subsequently received five (5) proposals from interested vendors on or about May 5, 2022; and

WHEREAS, on or about May 10, 2022, the Commission’s evaluation committee reviewed and evaluated the proposals based upon predetermined criteria set forth in RFP #002-2022, and determined that Colliers Engineering & Design, Inc. (“CED”) was the most qualified proposer, considering its experience and pricing, as presented in its proposal (the “Proposal”) for the provision of the Services, for the not-to-exceed amount of \$61,650.00; and

WHEREAS, the Commission desires to retain CED to perform the Services in accordance with the Commission's requirements as set forth in RFP #002-2022, the Proposal, and any applicable laws, rules or regulations, and recommends that CED be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that a contract for the work associated with the Services be awarded to CED as the most qualified, responsive, and responsible proposal, utilizing the pricing as set forth herein, for the total not-to-exceed amount of \$61,650.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Services, incorporating the Commission’s requirements as set forth in RFP #002-2022, the Proposal, and any applicable law, rule or regulation; and

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

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the award and execution of a Contract with Colliers Engineering & Design, Inc. for work associated with professional land surveying services for Commission-owned dams; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Approving the Reallocation of Capital Budget Appropriations

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION APPROVING THE REALLOCATION OF CAPITAL BUDGET APPROPRIATIONS

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 recently examined its Capital Budget Appropriations in order to address immediate funding concerns, and determined that there are capital projects with excess funds, and capital projects which are currently underfunded; and

WHEREAS, the Commission has determined that it is necessary to reallocate funds in the Capital Budget Appropriations in order to address the immediate funding concerns; and

WHEREAS, the Commission's staff has prepared a Capital Budget Reallocation List which would transfer the balances from capital projects with excess funds to capital projects that are currently underfunded, and the Commission desires to approve said Capital Budget Reallocation List.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Capital Budget Reallocation List prepared by and on behalf of the Commission, a copy of which is attached hereto as Exhibit A, is hereby approved; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to implement the transfer of funds as indicated on the Capital Budget Reallocation List; and

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

Commissioner Cassella offered a motion to adopt the resolution approving the reallocation of capital budget appropriations; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Resolution – Authorizing Emergency Work with Stone Hill Contracting Co., Inc. Associated with the Full Filter Rehabilitation of Filter 3

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EMERGENCY WORK WITH STONE
HILL CONTRACTING CO., INC. ASSOCIATED WITH THE FULL FILTER
REHABILITATION OF FILTER 3**

WHEREAS, the North Jersey District Water Supply Commission (the "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 May 10, 2022, an abnormality with Filter 3 was identified during the Commission's routine filter inspection program leading to further investigation and filter excavation which revealed a structural failure of a portion of the underdrain system causing Filter 3 to be taken out of service; and

WHEREAS, the internal vertical web of the clay tile block of Filter 3 is broken and the entire upper deck of multiple blocks has blown off; and

WHEREAS, the failure of Filter 3 may have also caused sand and anthracite to enter the plant's service water system; inhibiting filter backwashes, clogging backflow preventers, and impacting belt press dewatering operations by clogging belt washwater systems; the full extent of the failure cannot be known until the filter media and gravel are removed from the south bay; and

WHEREAS, the structural failure in Filter 3 appears to be similar to what was observed during the rehabilitation of Filter 1 in 2021; and

WHEREAS, inspections conducted in connection with the rehabilitation of Filter 1, on April 28, 2021, revealed cracks in the internal vertical webs of the hollow sounding blocks which raised concern over the viability of all the block installed in 1999; and

WHEREAS, on May 26, 2021, the Commission approved Resolution #1991 for complete rehabilitation Filter #1 with a new stainless steel underdrain system and repair of the concrete filter box;

WHEREAS, the Commission's filters are critical to the supply of safe drinking water and the loss of a single filter reduces the Commission's ability to treat water by 15 million gallons per day and places additional stress on the remaining filters; and

WHEREAS, the immediate repair or replacement of the filter is an exigent matter involving public safety because in recent years the Commission has experienced unusually high algae levels which has made filtration more challenging than normal, and it is anticipated that increased summer water flows and seasonal reservoir turnover will place additional stress on the treatment process and filters, and remaining filters and associated mechanical valves and actuator are nearly 45 years old and experience frequent failures; and

WHEREAS, pricing for a complete filter rehabilitation, including underdrain replacement with new

stainless steel underdrain technology and repair of the concrete filter box has been quoted by Stone Hill Contracting Co. Inc., (“SHC”) as \$1,922,458.00, (“SHC Proposal”), SHC is already mobilized onsite for other Commission’s projects and has extensive experience with the Commission’s filters; and

WHEREAS, as further detailed in Engineering Memo ENG #21-13, dated May 11, 2022 (the “Engineering Memo”), attached hereto, the rehabilitation of Filter 3 includes the inspection and repair of the concrete filter box including crack injection, spall repair, and epoxy coating of the walls; and

WHEREAS, as set forth above and as per the Engineering Memo, it is recommended that the Commission award SHC an emergency purchase order for the complete rehabilitation of the entire Filter #3 with a new stainless steel underdrain system, repair of the concrete filter box, and mechanical installation of new filter valve actuators in an amount not-to-exceed \$1,922,458.00 (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 emergency purchases of materials and services without the necessity of public bidding as approved by the Commission’s Executive Director and Chief Financial Officer (“CFO”); 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 constitute an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

WHEREAS, the Commission finds that SHC has prior experience with the Commission’s filters, is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, and that its rates and the SHC Proposal are reasonable under the circumstances; and

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

WHEREAS, the Commission desires to authorize SHC to perform the Emergency Services in accordance with the SHC Proposal, and this resolution.

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 constitute 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 in connection with Filter 3.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes and ratifies the retention of SHC to undertake the Emergency Services in an emergent fashion, without public bidding, in accordance with the SHC Proposal, the Engineering Memo and this resolution, in an amount not to exceed \$1,922,458.00.

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 with Stone Hill Contracting Co., Inc. associated with the full filter rehabilitation of filter 3; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners 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, Vice Chairman Shotmeyer offered a motion to approve the Wanaque North Operating Account in the amount of \$10,220,791.19; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo 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 \$4,608,961.47; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners 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 Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$510,361.50; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Cassella offered a motion to adjourn the meeting at 10:34 a.m.; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Kuser, Garofalo and Cassella voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary