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 **NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION**

**PUBLIC COMMISSION MEETING**

**WEDNESDAY, DECEMBER 21, 2022**

 The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, December 21, 2022 at 9:06 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

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

 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 Kuser offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. The Public Meeting was recessed at 9:08 a.m.

 Chairman Burrell reconvened the Public Meeting at 9:49 a.m.

**PUBLIC COMMISSION BUSINESS**

**ACTION REQUIRED:**

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of October 26, 2022; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

 Commissioner Cassella offered a motion to approve the Public Work Session Minutes of October 26, 2022; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over $5000 Report for December 2022 in the amount of $496,099.59; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**UNFINISHED BUSINESS:** None

NEW BUSINESS:

**Commission Invoices:**

**a. Various Invoices from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of $392,317.57**

 Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(a) for payment.

**b. Various Invoices from Premier Services/USIC, LLC for Contract #2019 – Underground Locating in the amount of $8,116.85**

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

**c. Invoice #50757 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of $15,675.00**

 Lewis Schneider, Director of Operations/Licensed Operator and Geordie Allegri, Asst. Manager of Residuals approved invoice 3(c) for payment.

**d. Invoice #1027 from Aspen Tree Service, Inc. for Contract #2078-R-2 – Hazardous Tree Removal in the amount of $124,480.40**

 Maria Alliegro, Director of Engineering and Robert Malone, Manager GFM approved invoice 3(d) for payment.

**e. Invoice #1026 from Aspen Tree Service, Inc. for Contract #2089 – Pompton Lakes Dam Debris Removal in the amount of $12,000.00**

 Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(e) for payment.

**f. Various Invoices from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of $1,050.00**

 Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(f) for payment.

**g. Invoice #135774 from French & Parrello Associates for Contract #2071 – 2020 Regular Dam Inspections in the amount of $4,407.50**

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

**h. Invoice #91330-2310 from McPhee Electric (formally JBL) for Contract #2060 – Electrical Contracting Services in the amount of $52,200.00**

 Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(h) for payment.

**i. Invoice #2 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of $36,773.00**

 Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(i) for payment.

**j. Various Invoices from Colliers Engineering & Design, Inc. for Contract #2091 – Land Surveying Services for Commission Owned Dams in the amount of $30,074.35**

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

**k. Various Invoices from Wilmington Trust – Wanaque South Trustee Fees – NJ Infrastructure Bank Financing – 2017 & 2020 Series Loans in the amount of $8,000.00**

 William Schaffner, Chief Financial Officer approved invoice 3(k) for payment.

**l. Invoice #111-2016233 from The BNY Mellon – Wanaque North Trustee Fees - NJ Infrastructure Bank Financing in the amount of $2,500.00**

 William Schaffner, Chief Financial Officer approved invoice 3(l) for payment.

**m. Various Invoices from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of $3,385.12**

 William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(m) for payment.

**n. Various Invoices from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of $10,400.00**

 Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice (n) for payment.

**o. Invoice #C-22 from J. Fletcher Creamer & Son, Inc. for Emergency Repair of 74” Main – Bloomfield Avenue & Church Street in Nutley in the amount of $375,928.13**

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

**p. Invoice #38876 from Lerch, Vinci & Higgins, LLP for the 2021 Audit in the amount of $46,000.00**

 William Schaffner, Chief Financial Officer approves invoice 3(p) for payment.

**q. Invoice #32643 from Fox Fence Enterprises, Inc. for Contract #2090 – Construction of Monksville Dam Safety Fence in the amount of $46,886.30**

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

**r. Various Invoices from Spartan Construction, Inc. for Contract #2088R-2-A – Low Lift Pump Station Stone Repointing in the amount of $247,000.00**

 Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(r) for payment.

**s. Various Invoices from Pax Mundus Enterprise, LLC for Contract #2088R-2-B – Control House Stone Repointing in the amount of $58,017.00**

 Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(s) for payment.

**t. Invoice #E6X94500028 and #E6X94500029 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of $8,648.83**

 Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(t) for payment.

**u. Invoice #E6X942000035 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of $33,724.65**

 Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approve invoice 3(u) for payment.

**v. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of $4,217.50**

 Maria Alliegro, Director of Engineering, Chris Clamser, Project Engineer and Les Malytskyy, Project Engineer approved invoice 3(v) for payment.

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

**Resolution – Authorizing the Posting and Publishing of a Notice of Meetings in Accordance with the New Jersey Open Public Meetings Act**

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF

THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

**AUTHORIZING THE POSTING AND PUBLISHING OF A NOTICE OF MEETINGS IN**

**ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT**

 **Whereas,** pursuant to Public Law 1975, c.231, Open Public Meetings Act, Paragraph 10, Section 13 (the “Act”), the North Jersey District Water Supply Commission (the “Commission”) may adopt and publish an “Annual Notice of Meetings” listing the location and the time and date of the regular meetings of the Commission scheduled during the year; and

 **Whereas**, the Commission desires to hereby adopt its Annual Notice of Meetings for the period from January 2023 through December 2023 at which time a new Annual Notice shall be adopted and posted by the Commission in accordance with the Act.

 **Now, therefore, be it resolved** that the Commission hereby adopts the Notice set forth in “Schedule A”, attached hereto, as its Annual Notice of Meetings for the period January 2023 through December 2023 and the Commission’s Secretary is authorized by adoption of this Resolution to post and publish same in accordance with Section 10:4-18 (N.J.S.A. 10:4-18) of the Act.

Commissioner Cassella offered a motion to adopt the resolution authorizing the posting and publishing of a Notice of Meetings in accordance with the New Jersey 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.

**Resolution – Adopting the 2023 Annual Budget for the Wanaque North Project and Authorizing the Executive Director to take all Necessary and Appropriate Steps in Furtherance Thereof**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION**

**ADOPTING THE 2023 ANNUAL BUDGET FOR THE WANAQUE NORTH PROJECT**

**AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND APPROPRIATE STEPS IN FURTHERANCE THEREOF**

**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. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

**WHEREAS,** in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

**WHEREAS,** the Commission has developed a Wanaque North Project Annual Budget for the calendar year beginning on January 1, 2023 and ending on December 31, 2023 (the “2023 Annual Budget”), including total appropriations of $49,896,029.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque North Project during that period; and

**WHEREAS,** following notice to each of the participants and contracting municipalities, a hearing on the 2023 Annual Budget was duly held on November 18, 2022, in accordance with N.J.S.A. 58:5-40; and

**WHEREAS,** the Commission desires to approve the 2023 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 21, 2022, as follows:

1. The Commission has duly reviewed and approves the proposed 2023 Annual Budget with a total appropriation of $49,896,029.00; and

2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2023 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and

3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

Vice Chairman Shotmeyer offered a motion to adopt the resolution adopting the 2023 annual budget for the Wanaque North Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Adopting the 2023 Annual Budget for the Wanaque South Project and Authorizing the Executive Director to take all Necessary and Appropriate Steps in Furtherance Thereof**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION**

**ADOPTING THE 2023 ANNUAL BUDGET FOR THE WANAQUE SOUTH PROJECT**

**AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL NECESSARY AND APPROPRIATE STEPS IN FURTHERANCE THEREOF**

**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. 58:5-40, the Commission shall cause to be prepared, not later than December 31st of each year, a separate annual budget for the operating expenses of each water supply system and water transmission facility which it operates; and

**WHEREAS,** in accordance with N.J.S.A. 58:5-40, the Commission shall fix a time and place for a hearing on each budget and shall send notice of such hearing to the participants and contracting municipalities at least 10 days before the date fixed for the hearing; and

**WHEREAS,** the Commission has developed a Wanaque South Project Annual Budget for the calendar year beginning on January 1, 2023 and ending on December 31, 2023 (the “2023 Annual Budget”), including total appropriations of $21,774,991.00 which appropriations are anticipated to be sufficient to meet all of the Commission’s operating, capital and debt service obligations for the Wanaque South Project during that period; and

**WHEREAS,** following notice to each of the participants and contracting municipalities, a hearing on the 2023 Annual Budget was duly held on November 18, 2022, in accordance with N.J.S.A. 58:5-40; and

**WHEREAS,** the Commission desires to approve the 2023 Annual Budget and to authorize its Executive Director to take all steps necessary and appropriate to implement this budget on behalf of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission at its meeting held on December 21, 2022, as follows:

1. The Commission has duly reviewed and approves the proposed 2023 Annual Budget with a total appropriation of $21,774,991.00; and

2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2023 Annual Budget, including any appropriate reorganization plans and staffing modifications, including without limitation the elimination of any staff positions; and

3. Copies of the Annual Budget shall be provided to all contracting municipalities in accordance with N.J.S.A. 58:5-40.

 Commissioner Cassella offered a motion to adopt the resolution adopting the 2023 annual budget for the Wanaque South Project and authorizing the Executive Director to take all necessary and appropriate steps in furtherance thereof; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract with McManimon, Scotland, & Baumann, LLC for the Provision of General Counsel 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 WITH MCMANIMON, SCOTLAND, & BAUMANN, LLC FOR THE PROVISION OF GENERAL COUNSEL SERVICES**

**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 determined that it is necessary to retain the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with general legal matters (the “General Counsel 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 November 9, 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 #005-2022), and subsequently received one proposal (“Proposal”) from McManimon, Scotland, & Baumann, LLC (“MS&B”) on or before November 29, 2022; and

**WHEREAS,** the Commission’s evaluation committee reviewed and evaluated the Proposal based upon predetermined criteria set forth in RFP #005-2022, and determined that for the provision of the Services, MS&B is the sole qualified, responsible, responsive proposer, considering its experience and pricing, as presented in the Proposal at an hourly rate of $210.00 for partners, $185.00 for associates, and $100.00 for paralegals/legal assistants; and

**WHEREAS,** the Commission desires to retain the services of MS&B to perform the Services in accordance with the Commission's requirements as set forth in RFP #005-2022, the Proposal, and any applicable laws, rules, or regulations, and recommends that MS&B 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 Services be awarded to MS&B based on the qualified, responsive, and responsible Proposal, utilizing the pricing as set forth herein, at an hourly rate of $210.00 for partners, $185.00 for associates, and $100.00 for paralegals/legal assistants; 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 #005-2022, 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, including by electronic signature, 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 McManimon, Scotland, & Baumann, LLC for the provision of general counsel services; seconded by Commissioner Garofalo and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the Provision of Special Real Estate Counsel 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 WITH DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP FOR THE PROVISION OF SPECIAL REAL ESTATE COUNSEL SERVICES**

**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 determined that it is necessary to retain the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with special real estate matters (the “Real Estate Counsel 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 November 10, 2022, the Commission publicly advertised a Request for Proposals and Qualification Statements for work associated with the Real Estate Counsel Services in accordance with the requirements and specifications set forth therein (RFP #006-2022), and subsequently received two (2) proposals (“Proposals”) from interested parties on or before November 30, 2022; and

**WHEREAS,** the Commission’s evaluation committee reviewed and evaluated the Proposals based upon predetermined criteria set forth in RFP #006-2022, and determined that for the provision of the Real Estate Counsel Services, DeCotiis, FitzPatrick, Cole & Giblin, LLP (“DFC&G”) is the most qualified, responsible, responsive proposer, considering its experience and pricing, as presented in its proposal (the “Decotiis Proposal”), at an hourly rate of $175.00 for attorneys, $125.00 for law clerks, and $95.00 for paralegals/legal assistants; and

**WHEREAS,** the Commission desires to retain the services of DFC&G to perform the Real Estate Counsel Services in accordance with the Commission's requirements as set forth in RFP #006-2022, the Decotiis Proposal, and any applicable laws, rules, or regulations, and recommends that DFC&G 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 Real Estate Counsel Services be awarded to DFC&G as the most qualified, responsive, and responsible Proposal, utilizing the pricing as set forth herein, at an hourly rate of $175.00 for attorneys, $125.00 for law clerks, and $95.00 for paralegals/legal assistants.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Real Estate Counsel Services, incorporating the Commission’s requirements as set forth in RFP #006-2022, 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, including by electronic signature, 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 Kuser offered a motion to adopt the resolution authorizing the award and execution of a contract with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the provision of special real estate counsel services; seconded by Commissioner Ashkinaze and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

**Resolution – Authorizing the Award and Execution of a Contract with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the Provision of Special Labor and Employment Counsel 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 WITH DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP FOR THE PROVISION OF SPECIAL LABOR & EMPLOYMENT COUNSEL SERVICES**

**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 determined that it is necessary to retain the services of a qualified law firm to provide legal advice, representation, and assistance to the Commission in connection with special labor and employment matters (the “Special Labor & Employment Counsel 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 November 10, 2022, the Commission publicly advertised a Request for Proposals and Qualification Statements for work associated with the Special Labor & Employment Counsel Services in accordance with the requirements and specifications set forth therein (RFP #007-2022), and subsequently received two (2) proposals (“Proposals”) from interested parties on or before December 1, 2022; and

**WHEREAS,** the Commission’s evaluation committee reviewed and evaluated the Proposals based upon predetermined criteria set forth in RFP #007-2022, and determined that for the provision of the Special Labor & Employment Counsel Services, DeCotiis, FitzPatrick, Cole & Giblin, LLP (“DFC&G”) is the most qualified, responsible, responsive proposer, considering its experience and pricing, as presented in its proposal (the “Decotiis Proposal”), at an hourly rate of $175.00 for attorneys, $125.00 for law clerks, and $95.00 for paralegals/legal assistants; and

**WHEREAS,** the Commission desires to retain the services of DFC&G to perform the Special Labor & Employment Counsel Services in accordance with the Commission's requirements as set forth in RFP #007-2022, the Decotiis Proposal, and any applicable laws, rules, or regulations, and recommends that DFC&G 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 Special Labor & Employment Counsel Services be awarded to DFC&G as the most qualified, responsive, and responsible Proposal, utilizing the pricing as set forth herein, at an hourly rate of $175.00 for attorneys, $125.00 for law clerks, and $95.00 for paralegals/legal assistants.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Special Labor & Employment Counsel Services, incorporating the Commission’s requirements as set forth in RFP #007-2022, the Decotiis 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, including by electronic signature, 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 Ashkinaze offered a motion to adopt the resolution authorizing the award and execution of a contract with DeCotiis, FitzPatrick, Cole & Giblin, LLP for the provision of special labor and employment counsel services; seconded by Commissioner Garofalo and approved with Chairman Burrell and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained.

**Resolution – Approving the Transfer of Reserves**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY**

**COMMISSION APPROVING THE TRANSFER OF RESERVES**

**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 Unrestricted Reserves for both the Wanaque North and Wanaque South Projects and determined that funds should be transferred from the Unrestricted Reserve Accounts for both projects to the Reserves for Renewal and Replacement for both projects; and

**WHEREAS,** these transfers are necessary because of the additional capital investments that the Commission must make to continue its ongoing rehabilitation and replacement of critical infrastructure, and to maintain sufficient operating funds in the event of a disruption in payments to the Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that $4,500,000.00 is hereby transferred from the Wanaque North Unrestricted Reserve Account to the Wanaque North Reserve for Renewal and Replacement; and

**BE IT FURTHER RESOLVED** that $2,000,000.00 is hereby transferred from the Wanaque South Unrestricted Reserve Account to the Wanaque South Reserve for Renewal and Replacement; 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 transfer of reserves; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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.

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

**Resolution – Authorizing Change Order No. 1 to Contract #2059 with RVH Mulch Supply, LLC for the Management and Removal of the Wanaque Water Treatment Plant Residuals**

Commission Secretary Kim Diamond read the following resolution:

RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT #2059 WITH RVH MULCH SUPPLY, LLC FOR THE MANAGEMENT AND REMOVAL OF THE WANAQUE WATER TREATMENT PLANT RESIDUALS

**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 previously determined there was a need to retain qualified vendors to provide services associated with the management and removal of residuals from the Wanaque Water Treatment Plant (“WWTP”), 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 publicly advertised and solicited bids on July 6, 2018, and August 27, 2018, through which process it received bids from Beneficial Soil (“Beneficial”) and Landscape Materials Inc. (“LMI”), each of which was reviewed by Commission staff and deemed to be unsatisfactory and unresponsive; and

**WHEREAS**, pursuant to N.J.S.A. 58:5-20 and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual, the Commission may directly award a contract after the issuance of two solicitations through which no satisfactory responses were received; and

**WHEREAS**, the Commission executed contracts with LMI and Beneficial through direct negotiation; and

**WHEREAS**, the Commission needed to retain an additional qualified vendor to provide the Services as LMI and Beneficial could only dispose of a certain amount of WWTP residuals pursuant to regulatory requirements imposed by the State of New Jersey’s Department of Environmental Protection; and

**WHEREAS**, the Commission obtained a quote from RVH Mulch Supply, LLC (“RVH”) to provide the Services for a price of $33.00/cubic yard with RVH performing both the loading and trucking, $30.00/cubic yard with the Commission performing the loading onto RVH trucks, and $29.00/cubic yard when the Commission delivers to RVH (the “RVH Proposal”); and

**WHEREAS**, on November 1, 2019, the Commission and RVH executed Contract #2059 (“Contract #2059”), wherein the term of Contract #2059 is two (2) years, with the Commission reserving the right to renew Contract #2059 for up to two (2) consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, on or about October 27, 2021, the Commission adopted Resolution No. #2018, authorizing a one-year extension of Contract #2059 with RVH under the same terms and conditions as outlined in Contract #2059 and reserving the right to extend the contract for a second renewal under the same terms and conditions; and

**WHEREAS**, on or about October 26, 2022, the Commission adopted Resolution No. #2088, authorizing a second renewal option and one (1) year extension of Contract #2059 with RVH under the same terms and conditions as outlined in Contract #2059; and

**WHEREAS**, on November 9, 2022, RVH submitted a price change order to the Commission increasing the disposal rate in Contract #2059 from $33.00 to $37.00 per yard of material due to the increase in costs for fuel, wages, and insurance; and

**WHEREAS**, due to the aforementioned reasons, RVH is seeking a change order to Contract #2059 for a price increase to supply the Services at the delivered price of $37.00 per yard (“Change Order No. 1”); and

**WHEREAS**, Commission staff reviewed RVH’s price change order and determined that the goods and fees set forth therein are reasonable, necessary, and appropriate, and recommended that the Commission approve Change Order No. 1 to Contract #2059; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2059 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 Change Order No. 1 to Contract #2059.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2059 in the amount not-to-exceed $37.00 per yard for the Services with RVH is hereby approved; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2059 in accordance with this resolution, with all other terms and conditions of Contract #2059 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. 1 to Contract #2059, including by electronic signature, 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 Cassella offered a motion to adopt the resolution authorizing Change Order No. 1 to Contract #2059 with RVH Mulch Supply, LLC 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, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of a Contract with Peloda Systems, Inc. for the Furnishing and Delivery of the Intrusion and Fire Alarm Monitoring System and 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 WITH PELODA SYSTEMS, INC. FOR THE FURNISHING AND DELIVERY OF THE INTRUSION AND FIRE ALARM MONITORING SYSTEM AND SERVICES**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined that it is necessary to retain the services of a qualified firm to provide the Intrusion and Fire Alarm Monitoring System and Services, including but not limited to the design, development, installation, maintenance and monitoring of an intrusion and firm alarm receiving and monitoring system for the Commission facilities (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 September 23, 2022, the Commission publicly advertised a Request for Proposals for work associated with the Services in accordance with the requirements and specifications set forth therein (“RFP #004-2022”), and subsequently received one proposal from an interested firm on or about October 7, 2022; and

**WHEREAS**,the Commission's evaluation committee reviewed and evaluated the proposal based upon predetermined criteria set forth in RFP #004-2022, and determined that for the provision of the Services, Peloda Systems, Inc. (“Peloda”) is the sole qualified, responsible, responsive proposer, considering its experience and pricing, as presented in its proposal (the **“**Proposal”), for the not-to-exceed amount of $178,726.00; and

**WHEREAS**, the Commission desires to retain the services of Peloda to perform the Services in accordance with the Commission's requirements as set forth in RFP #004-2022, the Proposal, and any applicable laws, rules, or regulations, and recommends that Peloda 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 Services be awarded to Peloda based on the qualified, responsive, and responsible Proposal, utilizing the pricing as set forth herein, for the not-to-exceed amount of $178,726.00; 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 #004-2022, 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, including by electronic signature, 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 Peloda Systems, Inc. for the furnishing and delivery of the intrusion and fire alarm monitoring system and services; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of Contract #2092-R with Consolidated Environmental, Inc. for the Furnishing and Delivery of the Orechio Building HVAC Cleaning 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 #2092-R WITH CONSOLIDATED ENVIRONMENTAL, INC. FOR THE FURNISHING AND DELIVERY OF THE ORECHIO BUILDING HVAC CLEANING PROJECT**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined that it is necessary to retain the services of a qualified firm to provide HVAC cleaning services for the Commission’s Orechio Building (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 October 4, 2022, the Commission publicly advertised a Bid Specification (“Bid Specification”) for Contract #2092-R for work associated with the Services in accordance with the requirements and specifications set forth therein (“Contract #2092-R”) and subsequently received one bid from Consolidated Environmental, Inc. (“Consolidated Environmental”) on or about November 1, 2022 (the “Proposal”); and

**WHEREAS**,the Commission's evaluation committee reviewed and evaluated the Proposal based upon predetermined criteria set forth in Bid Specification and Contract #2092-R and determined that for the provision of the Services, Consolidated Environmental, Inc. (“Consolidated Environmental”) was the sole, qualified, responsive and responsible proposer, considering its experience and pricing, as presented in the Proposal, for the not-to-exceed amount of $19,730.00; and

**WHEREAS**, the Commission desires to retain the services of Consolidated Environmental to perform the Services in accordance with the Commission's requirements as set forth in the Bid Specification and Contract #2092-R, the Proposal, and any applicable laws, rules, or regulations, and recommends that Consolidated Environmental be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

**WHEREAS**, the award of Contract #2092-R is necessary for the Commission’s efficient water treatment and delivery 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 #2092-R for the Services be awarded to Consolidated Environmental, as the sole qualified, responsive, and responsible Proposal, utilizing the pricing as set forth herein, for the not-to-exceed amount of $19,730.00; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Contract #2092-R for the Services, incorporating the Commission’s requirements as set forth in the Bid Specifications, Contract #2092-R, 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 Contract #2092-R, including by electronic signature, 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 Contract #2092-R 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 Contract #2092-R with Consolidated Environmental, Inc. for the furnishing and delivery of the Orechio Building HVAC cleaning project; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Consenting to the Proposed Northeast Water Quality Management (WQM) Plan Amendment**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION CONSENTING TO THE PROPOSED NORTHEAST WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

**WHEREAS**, the North Jersey District Water Supply Commission (the “Commission”) desires to provide for the orderly development of wastewater facilities within the areas serviced by the Commission; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved water quality management (WQM) plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure through the Water Quality Management Plan (WQMP) rules at *N.J.A.C.* 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment publicly noticed in the New Jersey Register on November 21, 2022, for Oakland Borough Wastewater Management Plan has been prepared by Boswell Engineering;

**NOW, THEREFORE, BE IT RESOLVED** on this 21st day of December, 2022, by the Board of Commissioners of the North Jersey District Water Supply Commission that:

1. The Commission hereby consents to the Oakland Borough Wastewater Management Plan amendment, and publicly noticed in the New Jersey Register on November 21, 2022, prepared by Boswell Engineering, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Commissioner Cassella offered a motion to adopt the resolution consenting to the proposed Northeast Water Quality Management (WQM) Plan amendment; seconded by Vice Chairman Shotmeyer and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Change Order No. 1 to Contract #2086R with Iron Hills Construction Co. for Work Associated with Pot Perm System Rehabilitation**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT #2086R WITH IRON HILLS CONSTRUCTION CO. FOR WORK ASSOCIATED WITH POT PERM SYSTEM REHABILITATION**

**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 determined that it is necessary to retain the services of a qualified contractor to rehabilitate the Commission’s Pot Perm system in accordance with the Bid Specification (defined herein) (the “Services”); and

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

**WHEREAS,** on or about February 11, 2022, the Commission publicly advertised a Bid Specification (“Bid Specification”) for Contract #2086R (“Contract #2086R”) for work associated with the Services in accordance with the requirements and specifications set forth therein, and subsequently received two (2) bids from interested vendors on or about March 31, 2022; and

**WHEREAS**, the Commission’s evaluation committee reviewed and evaluated the bids and determined that Iron Hills Construction Co. (“Iron Hills”), who submitted a bid to perform the Services including Options 1, 2, 4, 6, 7, 8, and 9 as set forth in the Bid Specifications for a total not-to-exceed amount of $953,000.00 (the “Bid”), submitted the lowest conforming bid, that the price in the Bid is reasonable, necessary and appropriate, and recommended that Iron Hills be awarded a contract in accordance with the Commission’s enabling legislation and applicable State law; and

**WHEREAS**, by Resolution No. #2055 dated April 27, 2022, in accordance with the Bid Specifications and the Bid, the Commission authorized the award and execution of Contract #2086R for the Services to Iron Hills for a total not-to-exceed amount of $953,000.00; and

**WHEREAS**, as the provision of Services progresses, it has become evident that a secondary, smaller outlet needs to be installed on each of the two Pot Perm silos; this secondary outlet will be four inches in diameter with a knife gate and will provide the ability to transfer material from one silo to the other without disassembling the feed system, thereby increasing operating flexibility (the “Additional Work”); and

**WHEREAS**, the addition of these secondary silo outlets has the further benefit of declumping agglomerated material that has accumulated in the silos; and

**WHEREAS**, the cost as quoted by Iron Hills for the Additional Work is $11,200.00; and

**WHEREAS**,Commission staff have examined Iron Hills’s requested Change Order No. 1 to the Contract #2086R, have determined that the services and fees set forth therein are reasonable, necessary and appropriate, and recommended that the Commission approve Change Order No. 1 to Contract #2086R; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2086R 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 Change Order No. 1 to Contract #2086R.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 1 to Contract #2086R with Iron Hills in the amount not-to-exceed $11,200.00 is hereby approved.

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 1 to Contract #2086R in accordance with Iron Hills’s proposal and this resolution, with all other terms and conditions of Contract #2086R, to remain unchanged.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute Change Order No. 1 to Contract #2086R, including by electronic signature, 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 Change Order No. 1 to Contract #2086R with Iron Hills Construction Co. for work associated with pot perm system rehabilitation; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Ratifying the Execution of Contracts #2093, #2094, #2095, and #2096 with Revised Contract Terms for the Furnishing and Delivery of Various Chemicals for Calendar Years 2023 & 2024 and Authorizing an Amendment to Resolution #2087**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION RATIFYING THE EXECUTION OF CONTRACTS #2093, #2094, #2095, AND #2096 WITH REVISED CONTRACT TERMS FOR THE FURNISHING AND DELIVERY OF VARIOUS CHEMICALS FOR CALENDAR YEARS 2023 & 2024 AND AUTHORIZING AN AMENDMENT TO RESOLUTION #2087**

**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 empowered by law to appoint and employ professionals, technical advisors and experts as the Commission may determine to be necessary for its efficient operation, including without limit vendors for the removal of hazardous trees to facilitate Commission operations; 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**, the Commission has a need for Sodium Hypochlorite, Powder Activated Carbon, Liquid Non-Zinc Ortho Phosphate 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 publicly advertised for bids (the “Bids”) for the furnishing and delivery of the Various Chemicals (the “Services”) for the 2023 and 2024 calendar years; and

**WHEREAS**, in response to the Commission’s advertisement for public bids, bids for the Various Chemicals in accordance with requirements and specifications set forth therein and subsequently received bids from interested firms (each, a “Respondent”) on October 6, 2022, revealed as follows:

1. Contract #2093 – Sodium Hypochlorite (“Contract #2093”)

JCI Jones Chemicals Inc. $1.9919/gallon

Kuehne Chemical Co. $2.95/gallon

1. Contract #2094 – Powder Activated Carbon (“Contract #2094”)

Calgon Carbon Corporation $3,300.00/ton

1. Contract #2095 – Liquid Non-Zinc Ortho Phosphate (“Contract#2095”)

Shannon Chemical Corp. $3,133.24/ton

Carus LLC $5,700.00/ton

1. Contract #2096 – Hydrated Lime (“Contract #2096”)

Greer Lime Company $315.28/ton

**WHEREAS**, on October 26, 2022, the Commission adopted Resolution No. 2087 authorizing the award and execution of Contract #2093, Contract #2094, Contract #2095, and Contract #2096 for the Services (each, a “Contract”, and collectively, the “Original Contracts”); and

**WHEREAS,** the Original Contracts were executed by the parties thereto; and

**WHEREAS**, as awarded, the Services provided under the Original Contracts were to commence as of January 1, 2023 (the “Initial Effective Date”); and

**WHEREAS**, the Initial Effective Date provided for under the Original Contracts would leave the Commission with a gap in coverage with respect to the Services from November 25, 2022, through December 31, 2022; and

**WHEREAS**, the Commission revised each of the Original Contracts to provide for an effective date of November 25, 2022 (the “Contracts”) so that the Commission does not experience a lapse in coverage with respect to the Services, and the Contracts have been executed by the parties thereto; and

**WHEREAS**, in addition to addressing the issue of ratification of the Contracts as aforesaid, the Commission desires to amend Resolution #2087, awarding Contract #2093 to JCI Jones Chemicals Inc. (“JCI”) at a contract price of 1.99919/ gallon to award Contract #2093 to JCI at a contract price of $1.9919/gallon in accordance with the bid submitted by JCI; and

**WHEREAS,** the Board of Commissioners desires to ratify the execution of the Contracts and desires to amend Resolution #2087, awarding Contract #2093 to JCI for the contract price of $1.9919/gallon.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that they hereby ratify the execution of the Contracts and amend Resolution #2087, awarding Contract #2093 to JCI for the contract price of $1.9919/gallon in accordance with the Commission’s enabling legislation and applicable State law; and

**BE IT FURTHER RESOLVED** that the Executive Director, Chairman, and/or Vice Chairman are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with General Counsel; 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; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Commissioner Cassella offered a motion to adopt the resolution ratifying the execution of Contracts #2093, #2094, #2095, and #2096 with revised contract terms for the furnishing and delivery of various chemicals for calendar years 2023 & 2024 and authorizing an amendment to Resolution #2087; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing Amendment No. 2 to Contract #2051 with Jacobs Engineering, Inc. for the Design of the Clarifier System Rehabilitation in Basins 1-4**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING AMENDMENT NO. 2 TO CONTRACT #2051 WITH JACOBS ENGINEERING, INC. FOR THE DESIGN OF THE CLARIFIER SYSTEM REHABILITATION IN BASINS 1-4**

**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 had previously determined that there was a need to retain a professional engineering firm to provide services related to the rehabilitation of the clarifier systems in Settling Basins 1-4 including, but not limited to, full design drawings, specifications and construction administration services related thereto (the “Engineering Services”); and

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

**WHEREAS,** on or about April 2, 2019, the Commission publicly advertised a Request for Proposals and Qualification Statements for the Design of the Clarifier System Rehabilitation in Basins 1-4 (“RFP #003-2019”), and subsequently received proposals from interested firms on or about May 23, 2019; and

**WHEREAS,** the Commission’s evaluation committee reviewed and evaluated the proposals and determined that Jacobs Engineering, Inc. (“Jacobs”) submitted the most responsible and qualified proposal dated May 23, 2019, for the performance of the Engineering Services based upon predetermined criteria set forth in RFP #003-2019 (the “Proposal”), and recommended that Jacobs be awarded a contract in accordance with the Commission’s enabling legislation and applicable state law as the most responsible and qualified proposer, considering its experience and pricing proposal; and

**WHEREAS,** Jacobs proposed to provide the Engineering Services in the not-to-exceed amount of $616,900.00, which is inclusive of an allowance in the amount of $42,000.00 for additional modeling that was required for design; and

**WHEREAS,** by Resolution No. 1864 dated June 26, 2019, in accordance with RFP #003-2019 and Jacobs’ Proposal, the Commission authorized the award of a contract in the amount of $616,900.00 which included Construction Administration Services in the amount of $121,954.00; and

**WHEREAS,** on June 23, 2021, by Resolution #1996, the Commission authorized Amendment No. 1 to Contract #2051 in a not-to-exceed amount of $36,000.00; and

**WHEREAS,** during the design phase, value engineering of the HVAC design and increased complexity of the structural design resulted in Jacobs exceeding the design budget by $36,000.00 (the “Design Budget Overage”); and

**WHEREAS**, the construction phase of Contract #2051 was originally scheduled to take place during 2020 and 2021; and

**WHEREAS**, due to delays in obtaining DCA permitting and extended equipment lead times due to supply chain issues, the construction phase is now expected to run from 2022 to 2024 resulting in an increase in the original hours budgeted and corresponding rates; and

**WHEREAS**, on November 8, 2022, Jacobs submitted a proposal (the “2022 Proposal”) for (i) the reimbursement of Jacobs for a portion of the Design Budget Overage in the amount of $18,0000.00 to cover the costs incurred by Jacobs; and (ii) Additional Construction Administration Services in the amount of $129,635.00 (“Amendment No. 2”); and

**WHEREAS,** Commission staff have examined the 2022 Proposal and Amendment No. 2 to Contract #2051 and have determined that the terms set forth therein are reasonable, necessary, and appropriate, and have recommended that the Commission approve Amendment No. 2 to Contract #2051; and

**WHEREAS,** the award of this Amendment No. 2 to Contract #2051 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 Amendment No. 2 to Contract #2051.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment No. 2 to Contract #2051 with Jacobs adding $147,635.00 to Contract #2051 is hereby approved, amending the total authorized contract to a not-to-exceed amount of $800,535.00 including $251,589.00 for Construction Administration Services; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 2 to Contract #2051, with all other terms and conditions of Contract #2051, as amended, to remain unchanged; and

**BE IT FURTHER RESOLVED** that the Executive Director of the Commission is hereby authorized to execute Amendment No. 2 to Contract #2051, including by electronic signature, 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.

Commissioner Cassella offered a motion to adopt the resolution authorizing Amendment No. 2 to Contract #2051 with Jacobs Engineering, Inc. for the design of the clarifier system rehabilitation in basins 1-4; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of Contract #2097 with USIC, LLC for the Furnishing and Delivery of the Utility Mark-Out Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF CONTRACT #2097 WITH USIC, LLC FOR THE FURNISHING AND DELIVERY OF THE UTILITY MARK-OUT SERVICES**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined that there is a need to retain a company to provide utility mark-out services for the Commission’s underground facilities (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 September 22, 2022, the Commission publicly advertised a Bid Specification (the “Bid Specification”) for Contract #2097 for work associated with the Services for a three (3) year term and up to two (2) optional one-year extensions in accordance with the requirements and specifications set forth therein (“Contract #2097”) and subsequently received one bid (“Proposal”) from an interested firm on or about October 27, 2022; and

**WHEREAS**,the Commission's evaluation committee reviewed and evaluated the Proposal based upon predetermined criteria set forth in the Bid Specification and determined that for the provision of the Services, USIC, LLC (“USIC”) is the sole qualified, responsive and responsible Proposal, considering its experience and pricing, at the rates presented in the Proposal; and

**WHEREAS**, however, while the Bid Specifications and Proposal provided for work years commencing on December 1st and ending on November 30th, an adjustment will be made to Contract #2097 such that each Contract year commences on January 1st and ends on December 31st with each Contract year matching the calendar year; and

**WHEREAS**, the initial contract period will be a three (3) year timeframe running from January 1, 2023, through December 31, 2025, with a not-to-exceed cost of $160,000.00; and

**WHEREAS,** USIC has confirmed their agreement to the Contract year change; and

**WHEREAS**, the Commission desires to retain the services of USIC to perform the Services in accordance with the Commission's requirements as set forth in the Bid Specifications, Contract #2097, the Proposal, and any applicable laws, rules, or regulations, and recommends that USIC be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

**WHEREAS**, the award of Contract #2097 is necessary for the Commission’s efficient water treatment and delivery 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 #2097 for the Services be awarded to USIC as the sole qualified, responsive and responsible Proposal in accordance with the Commission’s enabling legislation and applicable State law, for an amount not to exceed $160,000.00 for a three (3) year term running from January 1, 2023 through December 31, 2025, and at the rates set forth in the Proposal; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Contract #2097 for the Services, incorporating the Commission’s requirements as set forth in the Bid Specifications, Contract #2097, 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 Contract #2097, including by electronic signature, 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 Contract #2097 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 Contract #2097 with USIC, LLC for the furnishing and delivery of the utility mark-out services; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Award and Execution of Contract #2075R for Work Associated with the Modernization of the Chemical Building Elevator and Elevator Maintenance**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF CONTRACT #2075R FOR WORK ASSOCIATED WITH THE MODERNIZATION OF THE CHEMICAL BUILDING ELEVATOR AND ELEVATOR MAINTENANCE**

**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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to more than three million people, which includes the safety and protection of the public and public property pursuant to the Commission’s enabling legislation, N.J.S.A. 58:5-1 et seq.; and

**WHEREAS**, the Commission has determined that it is necessary to retain the services of a qualified elevator contractor with expertise in elevator maintenance for the Commission’s four elevators, and the elevator modernization for the elevator at the Chemical Building (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 September 6, 2022, the Commission publicly advertised a Bid Specification for Contract #2075R (the “Bid Specification”) for work associated with the Services in accordance with requirements and specifications set forth therein (“Contract #2075R”) and subsequently received several bids (the “Proposals”) from interested firms on October 20, 2022; and

**WHEREAS**, the Commission, together with CBA Elevator Consultants, reviewed the Proposals and determined that Current Elevator Technology, Inc. (“Current Elevator”) was the lowest, qualified, total bid for the Chemical Building Modernization plus the 3-year Full-Service Maintenance for the four (4) Commission elevators for the Services as set forth in Contract #2075R for a total not-to-exceed amount of $356,000.00 for the Chemical Building Modernization, and $51,120.00 for the three (3) year Full-Service Maintenance, for a total award to Current Elevator for the amount of $407,120.00; and

**WHEREAS**, the Commission desires to retain the services of Current Elevator to perform the Services in accordance with the Commission’s requirements as set forth in the Bid Specification, Contract #2075R, the Proposal, and any applicable laws, rules, or regulations; and

**WHEREAS**, the award of Contract #2075R is necessary for the Commission’s efficient water treatment and delivery 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 aforementioned contracts.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission, that Contract #2075R for the work associated with the Services as set forth in Bid Specification, Contract #2075R and the Proposal be awarded to Current Elevator for an initial term of three years in the total not-to-exceed amount of $407,120.00 in accordance with the Commission’s enabling legislation and applicable State law, under the same terms and conditions; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Contract #2075R for the Services, incorporating the Commission’s requirements as set forth in the Bid Specification, Contract #2075R and 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 contracts, including by electronic signature, 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 Contract #2075R 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 Contract #2075R for work associated with the modernization of the chemical building elevator and elevator maintenance; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Ratifying the Authorization and Execution of Change Order No. 5 to Contract #1083 Extending the Contract Term 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 RATIFYING THE AUTHORIZATION AND EXECUTION OF CHANGE ORDER NO. 5 TO CONTRACT #1083 EXTENDING THE CONTRACT TERM 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 that there was a need to retain a team of qualified 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; 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 September 24, 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” or the “Contract”); and

**WHEREAS,** the original contract amount for Design-Build Services was not to exceed $4,100,000.00, but after a comprehensive study performed by the Stone Hill Design Team it was found that the original design was not a viable option for meeting the requirements of the ACO; 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 Commission’s Residual Treatment Facility (“RTF”) rather than treating 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 belt filter press sludge 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**, due to Covid-19 related delays encountered by Stone Hill, on or about May 27, 2020, the Commission adopted Resolution 1921 authorizing Change Order No. 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 No. 2”); and

**WHEREAS**, due to Covid-19 pandemic related delays, on or about October 28, 2020, the Commission adopted Resolution 1952 authorizing Change Order #3 to allow a new substantial completion deadline of November 30, 2021 (“Change Order #3”); and

**WHEREAS**, due to Covid-19 pandemic related delays, on or about November 17, 2021, the Commission adopted Resolution 2022 authorizing Change Order #4 to allow a new substantial completion deadline of November 30, 2022 (“Change Order #4”); and

**WHEREAS**, the Lagoon Decant Tower Discharge/RTF Upgrade project, has been progressing steadily, focusing on the construction of the HVAC scope of work with RTF functioning normally and the new HVAC system on-line; however, due to water quality conditions resulting in extensive basin cleanings in 2022, the Lagoon has become inundated with an excess amount of solids; and

**WHEREAS**, to improve the Lagoon’s water quality and add storage capacity, the Commission has decided to extend the Contract for Stone Hill to remove wet sludge from the Lagoon in accordance with the Contract; and

**WHEREAS**, on November 30, 2022, the Commission and Stone Hill executed Change Order #5 to Contract 1083 to allow a new substantial completion deadline of September 30, 2023 for Stone Hill to perform the needed Lagoon sludge removal in accordance with the Contract (“Change Order #5”); and

**WHEREAS**, the Commission staff recommended that Change Order No. 5 to Contract 1083 be authorized and incorporated into the Contract with all other terms and conditions of Contract #1083 to remain unchanged; and

**WHEREAS**, the Board of Commissioners desires to ratify the authorization and execution of Change Order No. 5 to Contract #1083; and

**WHEREAS,** the new deadlines set forth in Change Order #5 to Contract #1083 will still allow the requirements of the ACO to be met; and

**WHEREAS,** no additional funds are required for Change Order No. 5 to Contract #1083.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that they hereby ratify the authorization and execution of Change Order No. 5 to Contract #1083 in accordance with the Commission’s enabling legislation and applicable State law; and

**BE IT FURTHER RESOLVED** that the Executive Director, Chairman, and/or Vice Chairman are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with General Counsel; 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; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Commissioner Kuser offered a motion to adopt the resolution ratifying the authorization and execution of Change Order No. 5 to Contract #1083 extending the Contract Term with Stone Hill Contracting Company, Inc. for residual treatment facility upgrades for the lagoon decant tower discharge project; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Ratifying the Authorization of Emergency Work Associated with a Leak Located at Bloomfield Avenue Between Church Street and Centre Street in Nutley**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY**

**COMMISSION RATIFYING THE AUTHORIZATION OF EMERGENCY WORK ASSOCIATED WITH A LEAK LOCATED AT BLOOMFIELD AVENUE BETWEEN CHURCH STREET AND CENTRE STREET IN NUTLEY**

**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 identified a leak at the Commission’s Wanaque North Aqueduct (WNA) located at Bloomfield Avenue between Church Street and Centre Street in Nutley, New Jersey which caused severe flooding to residential properties on October 5, 2022; and

**WHEREAS**, given the proximity of the Passaic Valley Water Commission, the City of Newark and the Commission aqueducts running through the easement corridor, it was difficult to initially determine which system was leaking; and

**WHEREAS**, the Commission called J. Fletcher Creamer and Son, Inc. (“Creamer”), the Commission’s emergency repair contractor, to the site to call in an emergency mark out, locate, excavate, and repair the leak, address related items on the WNA, and restore the site (the “Emergency Services”); and

**WHEREAS**, once it was determined the leak was emanating from the Commission’s WNA, Creamer mitigated the leak and, on October 9, 2022, discovered the source of the leak and executed the repair; and

**WHEREAS**, Creamer, a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, has provided an invoice in the amount of $375,928.13 for the provision of the Emergency Services, 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 determined that the aforementioned Emergency Services constituted 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 CFO of the Commission has certified that the funds are available for the Emergency Services; and

**WHEREAS**, the Commission desires to authorize and ratify the authorization and award of the Emergency Services to Creamer in accordance with its invoice.

**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 constituted 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 existed.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes and ratifies the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, for the amount of $375,928.13 in accordance with its invoice.

**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 ratifying the authorization of emergency work associated with a leak located at Bloomfield Avenue between Church Street and Centre Street in Nutley; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Authorizing the Second Renewal Option and One-Year Extension to Contract #2063 with DLB Associates for Provision of Mechanical Electrical Plumbing (MEP) Engineering Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION AUTHORIZING THE SECOND RENEWAL OPTION AND ONE YEAR EXTENSION TO CONTRACT #2063 WITH DLB ASSOCIATES FOR PROVISION OF MECHANICAL ELECTRICAL PLUMBING (MEP) ENGINEERING 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 previously determined there was a need to retain the services of a firm specializing in mechanical electrical plumbing (“MEP”) to provide mechanical electrical plumbing engineering services for the Commission on multiple projects (the “MEP Engineering 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,** on or about December 3, 2019, the Commission publicly advertised a Request for Qualification and Proposals for the work associated with the MEP Engineering Services, and received four proposals (the “Proposals”) on or about January 3, 2020 from various firms; and

**WHEREAS,** by Resolution No. 1906 dated January 22, 2020, the Commission authorized the award of a contract (“Contract #2063”) for MEP Engineering Services to DLB Associates (“DLB”) for a two (2) year term, in the not-to-exceed contract amount of $75,000 for each contract year, reserving the right, in the Commission’s sole discretion, to extend the contract for up to two (2) additional, consecutive, one (1) year terms under the same terms and conditions; and

**WHEREAS**, on or about December 15, 2021, the Commission adopted Resolution #2034, authorizing a one-year (Year 3) extension of Contract #2063 under the same terms and conditions as outlined in Contract #2063, and reserving the right to extend the contract for a second renewal under the same terms and conditions.

**WHEREAS,** the Commission has been satisfied with DLB’s MEP Engineering Services, and wishes to invoke its second renewal option and one year (Year 4) extension to Contract #2063 to run from February 2023 to February 2024, under the same terms and conditions in the original Contract #2063; and

**WHEREAS,** the renewal of Contract #2063 is necessary for 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 #2063.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that Contract #2063 with DLB is hereby renewed for a term of one (1) year, to run from February 28, 2023 to February 28, 2024, in the not to exceed amount of $75,000, to provide the MEP Engineering Services as described in Contract #2063.

**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 #2063.

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the renewal of Contract #2063, including by electronic signature, 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 second renewal option and one year extension to Contract #2063 with DLB Associates for provision of Mechanical Electrical Plumbing (MEP) engineering services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Ratifying Change Order No. 2 to Contract #2056 with Polydyne, Inc. for Liquid Polymer**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION RATIFYING CHANGE ORDER NO. 2 TO CONTRACT #2056 WITH POLYDYNE, INC. FOR LIQUID POLYMER**

**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 for the chemical known as Liquid Polymer(Clarifloc C-379)(“Liquid Polymer”)to be used at the Water Filtration Plant in the treatment and provision of potable water; 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,** in response to the Commission’s advertisement for public bids, bids for the furnishing and delivery of Liquid Polymer were received and publicly opened on October 1, 2019, and Polydyne, Inc. (“Polydyne”) was the sole responsible and complying bidder for the furnishing and delivery of Liquid Polymer at the price of seven dollars and forty-one cents ($7.41) per gallon; and

**WHEREAS,** by Resolution No. 1884 dated October 23, 2019, the Commission authorized the award and execution of Contract #2056 with Polydyne for the furnishing and delivery ofLiquid Polymer, wherein the term was two (2) years, with the Commission reserving the right to renew the contract for up to two (2) consecutive, one (1) year extensions under the same terms and conditions; and

 **WHEREAS**, the Commission having been satisfied with Polydyne, on August 17, 2021, relayed the Commission’s request to Polydyne to invoke its first renewal option and one (1) year extension for Contract #2056 under the same terms and conditions (“Extension No. 1”); and

**WHEREAS**, at the request of the Commission, Polydyne submitted Change Order No. 1 to Contract #2056 for the price increase from $7.41/gal to $8.36/gal effective November 25, 2021 through November 24, 2022 (“Change Order No. 1”); and

**WHEREAS**, on or about September 22, 2021, the Commission adopted Resolution No. 2010 authorizing Extension No. 1 and Change Order No. 1 to Contract #2056 with a price increase to $8.36/gal, under the same terms and conditions as outlined in Contract #2056, and reserving the right to extend the contract for a second renewal under the same terms and conditions; and

**WHEREAS**, on or about September 28, 2022, the Commission adopted Resolution No. 2079 authorizing the second renewal option and one (1) year extension of Contract #2056 under the same terms and conditions as outlined in Contract #2056; and

**WHEREAS**, on November 4, 2022, Polydyne submitted a price change order to the Commission increasing the rate in Contract #2056 from $8.36/gal to $10.45/gal of raw material due to the tight global supply and high demand of these materials along increase in transportation costs; and

**WHEREAS**, due to the aforementioned reasons, Polydyne requested Change Order No. 2 to Contract #2056 for a price increase to supply the Services at the delivered price of $10.45/gal, effective November 25, 2022, through November 24, 2023 (“Change Order No. 2”); and

**WHEREAS**, the Commission staff reviewed Polydyne’s price change order and determined that the goods and fees set forth therein are reasonable, necessary and appropriate, and approved Change Order No. 2 to Contract #2056; and

**WHEREAS,** the ratification of the award of Change Order No. 2 to Contract #2056 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 Change Order No. 2 to Contract #2056.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the award of Change Order No. 2 to Contract #2056 with Polydyne is hereby ratified, increasing the price from $8.36/gal to $10.45/gal for Liquid Polymer, effective November 25, 2022, through November 24, 2023; and

**BE IT FURTHER RESOLVED** that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 2 to Contract #2056 in accordance with this resolution, with all other terms and conditions of Contract #2056, 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. 2 to Contract #2056, including by electronic signature, 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 Cassella offered a motion to adopt the resolution ratifying Change Order No. 2 to Contract #2056 with Polydyne, Inc. for liquid polymer; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

**Resolution – Ratifying Change Oder No. 1 to Purchase Order #22-01414 for Emergency Work with Complete Roof Systems (CRS) Associated with the Emergency Repair and Partial Replacement of the Residual Treatment Facility Roof**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY**

**COMMISSION RATIFYING CHANGE ORDER NO. 1 TO PURCHASE ORDER**

**#22-01414 FOR EMERGENCY WORK WITH COMPLETE ROOF SYSTEMS (CRS) ASSOCIATED WITH THE EMERGENCY REPAIR AND PARTIAL REPLACEMENT OF THE RESIDUAL TREATMENT FACILITY ROOF**

**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**, in June 2013, Contract #1018 was executed with Arch-Concept Construction, Inc., a Carlisle-authorized vendor, to replace six Commission roofs with Carlisle Syntec Systems (“Carlisle”) roofing systems; and

**WHEREAS**, on June 24, 2022, a bubbling of the roof membrane on the residual Treatment Facility (“RTF”) was observed by the Commission staff, and, in accordance with the Carlisle 20-year warranty requirements, they immediately notified Carlisle, and a service call acknowledgment was received from Protek Roofing (a Carlisle authorized applicator) (“Protek”), who visited the site and observed the issue on June 28, 2022; and

**WHEREAS**, Protek contacted Carlisle, who performed an inspection on August 2, 2022; and

**WHEREAS**, during the Carlisle inspection of the RTF roof, test cuts were made in the membrane, and it was determined that three HVAC units installed by First Goal Heating and Cooling (“First Goal”), a subcontractor of Stone Hill Contracting Company under Contract #1083, in May 2022 were not properly connected to their ducts and on August 3, 2022, First Goal repaired the duct connections; and

**WHEREAS**, on August 20-22, 2022 Wanaque experienced significant rainfall resulting in the RTF roof leaking heavily in numerous locations; and

**WHEREAS,** relying upon N.J.S.A. 58:5-20 and Section 1, Subsection I of the Commission’s Purchasing Policies and Procedures Manual, and based upon the recommendation of the Commission’s staff, Executive Director, and Chief Financial Officer, the Commission determined that the roof leaking at the RTF constituted an emergency warranting the immediate repair of the leak without the necessity of engaging in public advertisement and bidding; and

**WHEREAS**, on October 26, 2022, the Commission adopted Resolution No. 2084 ratifying an emergency purchase order with Complete Roof Systems (“CRS”) for the repair and partial replacement of the RTF roof (“Emergency Work”) for the not-to-exceed amount of $67,240.00 (“Purchase Order #22-01414”); and

**WHEREAS**, while performing the Emergency Work, CRS found three broken/non-functioning roof drains which needed to be replaced with new aluminum retro-fit drains at the cost of $675.00 per drain, for a total cost of $2,025.00 (the “Additional Work”); and

**WHEREAS**, the Additional Work constitutes Change Order No. 1 (“Change Order No. 1”) to the original emergency Purchase Order #22-01414 issued to CRS on September 30, 2022; and

**WHEREAS,** relying upon N.J.S.A. 58:5-20 and Section 1, Subsection I of the Commission’s Purchasing Policies and Procedures Manual, and based upon the recommendation of the Commission’s staff, Executive Director, and Chief Financial Officer, the Commission determined that the Additional Work constituted an emergency without the necessity of engaging in public advertisement and bidding; and

**WHEREAS,** Commission staff examined Change Order No. 1 and determined that the services and fees set forth therein are reasonable, necessary and appropriate, and approved Change Order No. 1 to Purchase Order #22-01414**;** and

**WHEREAS,** the ratification of the approval of Change Order No. 1 to Purchase Order #22-01414is necessary for the efficient operation and security of the Commission; and

**WHEREAS**, the Chief Financial Officer of the Commission has certified that the funds are available for this Change Order No. 1 to Purchase Order #22-01414.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the approval of Change Order No. 1 to Emergency Purchase Order #22-01414 with CRS is hereby ratified, bringing the total authorized amount of Purchase Order #22-01414 to a not-to-exceed amount of $69,265.00, in accordance with CRS proposal, with all other terms and conditions of Purchase Order #22-01414as amended, to remain unchanged.

**BE IT FURTHER RESOLVED** that the execution of Change Order No. 1 to Purchase Order #22-01414 by the Executive Director of the Commission is hereby ratified.

**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 ratifying Change Order No. 1 to Purchase Order #22-01414 for emergency work with Complete Roof Systems (CRS) associated with the emergency repair and partial replacement of the residual treatment facility roof; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Kuser offered a motion to approve the Wanaque North Operating Account in the amount of $16,958,886.11; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative. Vice Chairman Shotmeyer abstained from check #64837.

**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 $5,192,900.28; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, 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 Kuser offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of $1,310,749.96; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

There being no further business, Commissioner Cassella offered a motion to adjourn the meeting at 10:14 a.m.; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Amedeo, Kuser, Garofalo and Cassella voting in the affirmative.

 Respectfully submitted,

 Kim Diamond

 Commission Secretary