

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

PUBLIC COMMISSION MEETING

WEDNESDAY, MAY 24, 2023

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, May 24, 2023 at 9:01 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Commissioner Donald C. Kuser, Commissioner James L. Cassella and Commissioner Terrence J. Duffy were recorded present. Also present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer, Kim Diamond, Commission Secretary, Jessica Almeida, 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 and Commissioner Cristina M. Cutrone 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 Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative. The Public Meeting was recessed at 9:04 a.m.

Chairman Burrell reconvened the Public Meeting at 9:31 a.m.

PUBLIC COMMISSION BUSINESS

ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of April 26, 2023; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Public Work Session Minutes of April 26, 2023; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for May 2023 in the amount of \$66,475.00; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:**Commission Invoices:**

- a. **Invoice #1-228-008 from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of \$122,271.24**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(a) for payment.
- b. **Invoice #1083-62 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$330,598.31**
Paul Serillo, Director of Facilities and Les Malyskyy, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #13668341 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,714.46**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Invoice #67115 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$350.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(d) for payment.
- e. **Invoice #582447 from Premier Services/USIC, LLC for Contract #2097 – Underground Locating in the amount of \$3,872.65**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #E6X94500032 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$5,098.04**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(f) for payment.
- g. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$3,197.50**
Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities, James Stachura, Project Engineer and Les Malyskyy, Project Engineer approved invoice 3(g) for payment.
- h. **Invoice #6 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of \$109,717.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(h) for payment.
- i. **Invoice #65914 from Suburban Consulting Engineers, Inc. for Contract #2074 – Freshwater Wetlands General Permit in the amount of \$173.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(i) for payment.
- j. **Invoice #18748 from Scott Testing, Inc. for Contract #2082 – Electrical Distribution Analysis & Testing in the amount of \$223,326.00**

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

k. Various Invoices from Current Elevator Technology, Inc. for Contract #2075R – Modernization of Chemical Building Elevator & Elevator Maintenance in the amount of \$14,870.00

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

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

Resolution – In Recognition of Executive Director Timothy Eustace for Receipt of the Environmental Leadership Award for Outstanding Dedication as a Steward of the Environment

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION IN RECOGNITION OF EXECUTIVE DIRECTOR TIMOTHY
EUSTACE FOR RECEIPT OF THE ENVIRONMENTAL LEADERSHIP
AWARD FOR OUTSTANDING DEDICATION AS A STEWARD OF THE
ENVIRONMENT**

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 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, in May, 2018, Timothy Eustace was appointed to serve as Executive Director of the Commission; and

WHEREAS, Timothy Eustace serves the Commission with an unrelenting commitment to preserve and protect the Commission’s natural resources; and

WHEREAS, on April 21, 2023, the Commerce and Industry Association of New Jersey (“CIANJ”), in honor of Earth Day, recognized the environmental good works of leaders across the State with an awards ceremony; and

WHEREAS, CIANJ, celebrated the achievement, stewardship, and leadership of those who work tirelessly to preserve environment; and

WHEREAS, CIANJ recognized the Commission’s Executive Director, Timothy Eustace, for Outstanding Dedication as a Steward of the Environment; and

WHEREAS, under the leadership of Executive Director Eustace, the Commission is facilitating projects, including the largest floating solar project in the Country, which will convert the Commission’s facilities to 100% renewable energy; and

WHEREAS, the Commission wishes to celebrate this award in recognition of Executive Director Eustace’s commitment to preserving the environment and dedication to the pursuit of solutions addressing the significant issues threatening the environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commissioners hereby honor the Commission’s Executive Director, Timothy Eustace, for receipt of the CIANJ’s award for Outstanding Dedication as a Steward of the Environment; and

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

Commissioner Ashkinaze offered a motion to adopt the resolution in recognition of Executive Director Timothy Eustace for receipt of the Environmental Leadership Award for Outstanding Dedication as a Steward of the Environment; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Resolution – Authorizing the Award and Execution of Contract #2106 for the Furnishing and Delivery of Dry Cationic Polymer

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE AWARD AND EXECUTION OF
CONTRACT #2106 FOR THE FURNISHING AND DELIVERY OF DRY
CATIONIC 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 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 a need for Dry Cationic Polymer to be used for the Residual Treatment Process in the treatment and provision of potable water; and

WHEREAS, on or about April 6, 2023, in accordance with N.J.S.A. 58:5-20, the Commission publicly advertised a Bid Specification for Contract #2106 (the “Bid Specification”) for furnishing and delivering of the Dry Cationic Polymer in accordance with requirements and specifications set forth therein (the “Services”) and subsequently received one bid (the “Proposal”) from an interested firm on May 3, 2023; and

WHEREAS, the staff of the Commission performed testing of the product and reviewed and evaluated the Proposal and determined Polydyne, Inc. (“Polydyne”) is the sole qualified, responsive, and responsible Proposal, at the rate of \$2.050/lb (the “Polydyne Proposal”); and

WHEREAS, the Commission desires to award a contract to Polydyne for the Services in accordance with the Bid Specification, the Polydyne Proposal, and any applicable laws, rules, or regulations (“Contract #2106”); and

WHEREAS, the award of Contract #2106 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 #2106 for furnishing and delivering of the Dry Cationic Polymer as set forth in the Bid Specification, Contract #2106, and the Polydyne Proposal be awarded for an initial term of two years to Polydyne for a total not-to-exceed amount of \$2.050/lb in accordance with the Commission’s enabling legislation and applicable State law; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Contract #2106 for the Services, incorporating the Commission’s requirements as set forth in the Bid Specification and the Polydyne Proposal, and any applicable law, rule, or regulation; and

BE IT FURTHER RESOLVED that the Commission reserves the right to renew Contract #2106, in its sole discretion, for up to two (2) additional consecutive, one (1) year terms, on the same terms and conditions of the original contract; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute such 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 Contract #2106 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 #2106 for the furnishing and delivery of dry cationic polymer; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with Allen Associates for the Provision of Insurance Broker Services: Health Benefits

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 ALLEN ASSOCIATES FOR THE PROVISION OF
INSURANCE BROKER SERVICES: HEALTH BENEFITS**

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 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 an insurance broker to assist the Commission with its health benefits insurance (the “Insurance Brokerage 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 March 9, 2023, the Commission publicly advertised a Request for Proposals for the provision of Insurance Brokerage Services in accordance with the requirements and specifications set forth therein (“RFP #004-2023”) and subsequently received four proposals (“Proposals”) from interested firms on or about April 4, 2023; and

WHEREAS, the Commission’s evaluation committee reviewed and evaluated the Proposals based upon predetermined criteria set forth in the RFP #004-2023 and determined that Allen Associates (“Allen”), which submitted a proposal to perform the Insurance Brokerage Services for (1) a flat fee of \$10,000.00 to review the Commission’s existing plans and compare to market alternatives, and (2) if savings can be identified, an annual flat fee of \$20,000.00 to implement/administer a new benefits program (the “Allen Proposal”), submitted the most qualified, responsible, and responsive proposal and recommended that Allen be awarded a contract for the Insurance Brokerage Services in accordance with the Commission’s enabling legislation and applicable State law; and

WHEREAS, the Commission desires to retain Allen to perform the Insurance Brokerage Services in accordance with the Commission’s requirements as set forth in the RFP #004-2023, the Allen Proposal, and any applicable laws, rules, or regulations, and recommends that Allen 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 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 a contract for the Insurance Brokerage Services be awarded to Allen as the most qualified, responsive, and responsible proposal for (1) a flat fee of \$10,000.00 to review the Commission's existing plans and compare to market alternatives, and (2) if savings can be identified, an annual flat fee of \$20,000.00 to implement/administer a new benefits program for an initial term of two years with the option, in the sole discretion of the Commission, to renew the contract for up to two consecutive, one year terms under the same conditions as the original contract; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Insurance Brokerage Services, incorporating the Commission's requirements as set forth in the RFP #004-2023, the Allen 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 Duffy offered a motion to adopt the resolution authorizing the award and execution of a contract with Allen Associates for the provision of insurance broker services: health benefits; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract to Lerch, Vinci & Bliss, LLP for Work Associated with Audit Financial Services & Arbitrage Rebate Calculations 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 TO LERCH, VINCI & BLISS, LLP FOR WORK ASSOCIATED
WITH AUDIT FINANCIAL SERVICES & ARBITRAGE REBATE
CALCULATIONS 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 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 contractor with expertise in audit financial services and arbitrage rebate calculations (the "Audit & Arbitrage Rebate 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 March 17, 2023, the Commission publicly advertised a Request for Proposals for work associated with the Audit & Arbitrage Rebate Services in accordance with requirements and specifications set forth therein ("RFP #006-2023") and subsequently received two proposals from interested firms (the "Proposals") on or about April 5, 2023; and

WHEREAS, the Commission's evaluation committee reviewed and evaluated the Proposals and determined that the proposal from Lerch, Vinci & Bliss, LLP ("LVB"), providing for a fee not to exceed \$48,000.00 for audit and a fee not to exceed \$15,000.00 per bond issue for initial arbitrage rebate calculation (2015 through 2022) in year one; and, in year two, a fee not to exceed \$48,000.00 for audit and a fee not to exceed \$3,000.00 per bond issue for arbitrage rebate calculation update (the "LVB Proposal"), was the most qualified, responsible, and responsive proposal for the Audit & Arbitrage Rebate Services and has recommended that LVB be awarded a contract in accordance with the Commission's enabling legislation and applicable State law; and

WHEREAS, per RFP #006-2023, the Commission may, in its sole discretion, extend the contract to years three and four, with an annual not to exceed fee for audit of \$50,000.00 and with an annual not to exceed fee for annual arbitrage rebate calculation update at \$3,000.00 per bond issue; and

WHEREAS, the Commission desires to retain the services of LVB to perform the Audit & Arbitrage Rebate Services in accordance with the Commission's requirements as set forth in RFP #006-2023, the LVB Proposal and any applicable laws, rules, or regulations; 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 Audit & Arbitrage Rebate Services be awarded to LVB as the most qualified, responsive, and responsible proposal in accordance with the Commission's enabling legislation and applicable State law, for year one (1), for an amount not to exceed \$48,000.00 for audit and a fee not to exceed \$15,000.00 per bond issue for initial arbitrage rebate calculation (2015 through 2022); and for year two (2), for an amount not to exceed \$48,000.00 for audit and a fee not to exceed \$3,000.00 per bond issue for arbitrage rebate calculation update; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare a contract for the Audit & Arbitrage Rebate Services, incorporating the Commission's requirements as set forth in RFP #006-2023, the LVB 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 to Lerch, Vinci & Bliss, LLP for work associated with audit financial services & arbitrage rebate calculations services; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Resolution – Authorizing the Issuance of an Emergency Purchase Order to KEK Pond Cleaning & Dredging for the Provision of Pond Dredging and Dewatering Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING THE ISSUANCE OF AN EMERGENCY
PURCHASE ORDER TO KEK POND CLEANING & DREDGING FOR THE
PROVISION OF POND DREDGING AND DEWATERING 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 a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to a significant number of New Jersey residents, 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 there is a need to retain a vendor for the provision of Pond Dredging and Dewatering Services to a local pond at 18 DuPont Terrace ("Emergency Services"); and

WHEREAS, the Commission solicited quotes from various vendors and found that KEK Pond Cleaning and Dredging ("KEK") provided the lowest, responsible and responsive quote of \$46,050.00 for the Emergency Services (the "KEK Proposal"); and

WHEREAS, the Commission has determined KEK's Proposal to be reasonable; 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 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, 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 KEK to undertake the Emergency Services in an emergent fashion, without public bidding, and the issuance of a purchase order in the amount of \$46,050.00 for payment to KEK for the provision of the Emergency Services.

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the issuance of an emergency purchase order to KEK Pond Cleaning & Dredging for the provision of pond dredging and dewatering services; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Resolution – Authorizing the Award and Execution of a Contract with Jacobs Engineering for Work Associated with Engineering Design Services for the Wanaque South Pump Station Substation

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 JACOBS ENGINEERING FOR WORK ASSOCIATED
WITH ENGINEERING DESIGN SERVICES FOR THE WANAQUE SOUTH
PUMP STATION SUBSTATION**

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

WHEREAS, the Commission has a responsibility by statute to ensure the safe, secure, and uninterrupted delivery of potable water to a significant number of New Jersey residents, 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, toward that end, the Commission has determined that it is necessary to retain the services of a qualified engineering firm, to perform the Engineering Design Services for the Wanaque South Pump Station (“WSPS”) Substation, all in accordance with the requirements of RFP #005-2023 (defined herein) (the “Engineering Design 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 March 9, 2023, the Commission publicly advertised a Request for Proposals for work associated with the Engineering Design Services in accordance with the requirements and specifications set forth therein (“RFP #005-2023”), and subsequently received four (4) proposals from interested consultants (the “Proposals”) on or about April 27, 2023; and

WHEREAS, during the first half of May 2023, the Commission’s evaluation committee reviewed and evaluated the Proposals received based upon predetermined criteria set forth in RFP #005-2023, and thereafter determined that Jacobs Engineering (“Jacobs”) was the most qualified, responsive, and responsible proposer, considering its experience and pricing, for the provision of the Engineering Design Services, for the not-to-exceed amount of \$258,735.00; and

WHEREAS, in consideration of the forgoing, the Commission desires to retain Jacobs to perform the Engineering Design Services in connection with the WSPS in accordance with the Commission's requirements as set forth in RFP #005-2023, the Jacobs Proposal, and any applicable laws, rules or regulations, and accordingly recommends that Jacobs 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 as herein indicated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, that a contract for the work associated with the Engineering Design Services for the WSPS, be awarded to Jacobs as the most qualified, responsive, and responsible proposal, utilizing the pricing as set forth herein and therein, for the total not-to-exceed amount of \$258,735.00; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized and directed to prepare a contract for the Engineering Design Services, incorporating the Commission’s requirements as set forth in RFP #005-2023, the Jacobs 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 and directed 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 as applicable; 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 Jacobs Engineering for work associated with engineering design services for the Wanaque South Pump Station Substation; seconded by Commissioner

Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy 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 Cassella offered a motion to approve the Wanaque North Operating Account in the amount of \$8,566,027.35; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative. Vice Chairman Shotmeyer abstained from check #65935.

Wanaque South 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 Operating Account in the amount of \$4,792,086.11; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Wanaque South Joint Venture Operating Account:

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cassella offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$495,826.18; seconded by Commissioner Duffy and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

There being no further business, Commissioner Duffy offered a motion to adjourn the meeting at 9:39 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella, Cutrone and Duffy voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary