

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, JUNE 28, 2023

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, June 28, 2023 at 9:02 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

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

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

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

Commission Secretary Kim Diamond read the following resolution:

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

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

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

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

Commissioner 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 Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative. The Public Meeting was recessed at 9:05 a.m.

Chairman Burrell reconvened the Public Meeting at 9:40 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

Commissioner Cassella offered a motion to approve the Public Commission Meeting Minutes of May 24, 2023; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of May 24, 2023; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

Vice Chairman Shotmeyer offered a motion to approve the Purchase Requisitions over \$5000 Report for June 2023 in the amount of \$198,478.00; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:****Commission Invoices:**

- a. **Invoice #1-228-009 from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of \$2,018,728.58**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(a) for payment.
- b. **Invoice #1083-63 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$57,511.30**  
Paul Serillo, Director of Facilities and Les Malysky, Project Engineer approved invoice 3(b) for payment.
- c. **Invoice #13715240 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,706.54**  
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Various Invoices from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$19,431.25**  
Maria Alliegro, Director of Engineering and Michael Dox, Plant Electrical Engineer approved invoice 3(d) for payment.
- e. **Various Invoices from Wilmington Trust – Wanaque South Trustee Fees – NJ Infrastructure Bank Financing – 2020 Series Loans in the amount of \$6,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(e) for payment.
- f. **Various Invoices from The BNY Mellon – Wanaque North Trustee Fees - NJ Infrastructure Bank Financing in the amount of \$5,000.00**  
William Schaffner, Chief Financial Officer approved invoice 3(f) for payment.
- g. **Invoice #3 from Peloda Systems, Inc. for Contract #2103 – Intrusion & Fire Alarm Systems in the amount of \$24,978.50**  
Charles Billings, Director of IT approved invoice 3(g) for payment.
- h. **FINAL Invoice from Spartan Construction, Inc. for Contract #2088R-2-A – Low Lift Pump Station Repointing in the amount of \$13,000.00**  
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(h) for payment.
- i. **Invoice #E6X94500033 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$3,270.56**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(i) for payment.
- j. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$8,626.90**  
Maria Alliegro, Director of Engineering and Les Malysky, Project Engineer approved invoice 3(j) for payment.

- k. Various Invoices from Jacobs Engineering Group, Inc. for Contract #2061 – General Consulting Engineering Services in the amount of \$2,967.50**  
Maria Alliegro, Director of Engineering, Paul Serillo, Director of Facilities and Les Malyskyy, Project Engineer approved invoice 3(k) for payment.
- l. Invoice #7 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of \$92,182.00**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(l) for payment.
- m. Invoice #91070504 from U.S. Department of the Interior for United States Geological Survey Agreement #23LJJFA28 in the amount of \$90,675.00**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(m) for payment.
- n. Invoice #1 from AJC0, LLC for Contract #2107 – Engineering Consulting & Planning Services in the amount of \$3,120.00**  
Maria Alliegro, Director of Engineering and Paul Serillo, Director of Facilities approved invoice 3(n) for payment.
- o. Invoice #1 from Michael J. Malpere Company, Inc. for Contract #2088R-2-C – Control House Repointing in the amount of \$188,005.00**  
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(o) for payment.
- p. Various Invoices from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$103,074.00**  
Geordie Manning, Assistant Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(p) for payment.
- q. Various Invoices from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$1,137.50**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(q) for payment.
- r. Invoice #52307 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$11,100.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Geordie Allegri, Assistant Manager of Residuals approved invoice 3(r) for payment.
- s. Invoice #14618 from Current Elevator Technology, Inc. for Contract #2075R – Modernization of Chemical Building Elevator & Elevator Maintenance in the amount of \$775.00**  
Paul Serillo, Director of Facilities and James Michels, Manager of Facilities approved invoice 3(s) for payment.

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

**Resolution – Authorizing the Purchase of Additional Equipment Associated with the Tower Presses from Charter Machine Company as the Sole Source Provider**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING THE PURCHASE OF ADDITIONAL  
EQUIPMENT ASSOCIATED WITH THE TOWER PRESSES FROM CHARTER  
MACHINE COMPANY AS THE SOLE SOURCE PROVIDER**

**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 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**, on April 27, 2022, by Resolution #2056, the Commission authorized Charter Machine Company (“CMC”) as the sole source provider to replace three (3) sets of the 3-belt Tower Presses located at the Commission’s residuals treatment facility (the “Tower Presses”) for a total contract amount not to exceed \$23,703.00; and

**WHEREAS**, on June 22, 2022, by Resolution #2064, the Commission authorized CMC as the sole source provider for certain additional spare parts for the Tower Presses including (i) one (1) set of belts costing approximately \$8,266.00; (ii) factory installation & instruction costing approximately \$2,000.00; (iii) three (3) sets of torsion springs and paddles costing approximately \$725.00; and (iv) an additional authorization of \$14,000.00 for the purchase of additional spare parts from CMC as needed to repair the Tower Presses for a total amount not to exceed \$25,000.00; and

**WHEREAS**, on May 31, 2023, Commission staff submitted a memorandum to the Executive Director recommending the Commission purchase certain spare parts for the Tower Presses to have on-site for replacement as needed to reduce any impact on the operation of the Tower Presses (collectively, the “Additional Services”) in the not to exceed amount of \$8,000.00; and

**WHEREAS**, the Tower Presses are essential parts of the Commission’s operation; and

**WHEREAS**, CMC has the specific parts needed for the Additional Services, which must all be purchased from CMC to ensure maximum functionality and warranty coverage for the Tower Presses; and

**WHEREAS**, the authorization of this purchase 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 purchase.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the North Jersey District Water Supply Commission that the purchase of the Additional Services, in an amount not to exceed \$8,000.00 from CMC as a sole source provider as designated in Resolution #2056 adopted by the Commission on April 27, 2022, is hereby authorized; and

**BE IT FURTHER RESOLVED** that the Chairman or Vice Chairman of the Commission is hereby authorized to execute any and all documents necessary to effectuate the purchase of the Additional Services, 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 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 purchase of additional equipment associated with the tower presses from Charter Machine Company as the sole source provider; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

**Resolution – Ratifying the Authorization of an Emergency Purchase Order to KEK Pond Cleaning & Dredging LLC for the Provision of Inner and Limited Outer Lagoon Dredging Services**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION RATIFYING THE AUTHORIZATION OF AN EMERGENCY  
PURCHASE ORDER TO KEK POND CLEANING & DREDGING LLC FOR  
THE PROVISION OF INNER AND LIMITED OUTER LAGOON DREDGING  
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**, by Resolution No. 2137, the Commission authorized KEK Pond Cleaning and Dredging LLC ("KEK") for the provision of Pond Dredging and Dewatering Services to a local pond at 18 DuPont Terrace, and the project completed on June 16, 2023; and

**WHEREAS**, while KEK was on-site for the DuPont Terrace project, the Commission identified an immediate need for services at the Decant Tower as the Crisafulli Dredge, used to dredge residuals from the Inner Lagoon area, has been out of service; and

**WHEREAS**, per Commission's request, KEK evaluated cleaning the Inner Lagoon and areas around the East and West gates of the Outer Lagoon ("Emergency Services"); and

**WHEREAS**, on June 14, 2023, KEK provided a quote of \$17,000.00 for the Emergency Services (the "Proposal"); and

**WHEREAS**, the Commission has determined the Proposal, together with a \$7,500 contingency for unknown circumstances associated with the Emergency Services, 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 not to exceed amount of \$24,500.00 for payment to KEK for the provision of the Emergency Services in accordance with the Proposal.

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution ratifying the authorization of an emergency purchase order to KEK Pond Cleaning & Dredging LLC for the provision of inner and limited outer lagoon dredging services; seconded by Commissioner Cassella

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

**Resolution – Authorizing Change Order No. 1 to Contract #2093 with JCI Jones Chemicals Inc. for Furnishing and Delivery of Sodium Hypochlorite**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT  
#2093 WITH JCI JONES CHEMICALS INC. FOR FURNISHING AND  
DELIVERY OF SODIUM HYPOCHLORITE**

**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 need for SODIUM HYPOCHLORITE to be used 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 bids in writing and award contracts after public advertisement; and

**WHEREAS**, in response to the Commission’s advertisement for public bids, bids for furnishing and delivering SODIUM HYPOCHLORITE (the “Services”) were received and publicly opened on October 6, 2022, with JCI Jones Chemicals Inc (“JCI”) proposing to supply SODIUM HYPOCHLORITE at \$1.9919 per gallon, with pricing subject to change after March 31, 2023 upon 30 days written notice (the “Bid”); and

**WHEREAS**, the Staff of the Commission determined that JCI submitted the lowest, responsible and complying Bid for the furnishing and delivery of SODIUM HYPOCHLORITE and recommended that JCI be selected as the lowest, responsible and complying bidder in accordance with applicable law; and

**WHEREAS**, by Resolution No. 2087 dated October 26, 2022, the Commission authorized the award and execution of Contract #2093 with JCI for the furnishing and delivery of SODIUM HYPOCHLORITE, and

**WHEREAS**, on June 2, 2023, JCI submitted a price Change Order No. 1 to Contract #2093 for a price increase from \$1.9919 per gallon to \$2.0263 per gallon in response to the raw material cost increases in chlorine and sodium hydroxide (caustic soda); and

**WHEREAS**, due to the aforementioned reasons, JCI requested Change Order No. 1 to Contract #2093 for a price increase to supply the Services at the delivered price increase from \$1.9919 per gallon to \$2.0263 per gallon effective July 2, 2023 (“Change Order No. 1”); and

**WHEREAS**, Commission staff have examined JCI’s requested Change Order No. 1 to the Contract #2093, have 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 #2093; and

**WHEREAS**, the award of this Change Order No. 1 to Contract #2093 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 #2093.

**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 #2093 with JCI in the amount not-to-exceed \$2.0263 per gallon effective July 2, 2023, 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 #2093 in accordance with JCI’s proposal and this resolution, with all other terms and conditions of Contract #2093, 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 #2093, 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 Cutrone offered a motion to adopt the resolution authorizing Change Order No. 1 to Contract #2903 with JCI Jones Chemicals Inc. for furnishing and delivery of sodium hypochlorite; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone 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 \$3,548,609.19; seconded by Commissioner Cutrone and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative. Vice Chairman Shotmeyer abstained from check #66135.

**Wanaque South Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Cutrone offered a motion to approve the Wanaque South Operating Account in the amount of 745,233.54; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone 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 \$498,225.59; seconded by Commissioner Cassella and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

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

Respectfully submitted,

Kim Diamond  
Commission Secretary