

## NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION

### PUBLIC COMMISSION MEETING

WEDNESDAY, AUGUST 23, 2023

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, August 23, 2023 at 9:06 a.m., One F.A. Orechio Drive, Wanaque, New Jersey.

Chairman Howard L. Burrell, Vice Chairman Charles P. Shotmeyer, Commissioner Alan S. Ashkinaze, 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 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 Ashkinaze offered a motion to adopt the resolution regarding Section 8, Chapter 231, P.L. 1975 of the Open Public Meetings Act; seconded by Commissioner Cassella 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 9:09 a.m.

Chairman Burrell reconvened the Public Meeting at 9:33 a.m.

### PUBLIC COMMISSION BUSINESS

#### ACTION REQUIRED:

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

Commissioner Cutrone offered a motion to approve the Purchase Requisitions over \$5000 Report for August 2023 in the amount of \$38,055.57; seconded by Commissioner Ashkinaze 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 #1083-65 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$52,995.95**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(a) for payment.
- b. **Various Invoices from Stone Hill Construction for Contract #2087 – Clarifier Rehab Basins 1-4 in the amount of \$1,917,164.38**  
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(b) for payment.
- c. **Invoice #13796165 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,712.14**  
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Invoice #67602 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 #5 from Peloda Systems, Inc. for Contract #2103 – Intrusion & Fire Alarm Systems in the amount of \$21,480.00**  
Charles Billings, Director of IT approved invoice 3(e) for payment.
- f. **Invoice #E6X94500035 from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$2,363.68**  
Maria Alliegro, Director of Engineering and Michael Dox, Plant Electrical Engineer approved invoice 3(f) for payment.
- g. **Invoice #E6X94200041 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$4,367.11**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(g) for payment.
- h. **Invoice #0861323 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$1,000.00**  
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice (h) for payment.
- i. **Various Invoices from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$55,799.40**  
Geordie Allegri, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(i) for payment.
- j. **Invoice #38 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$350.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(j) for payment.

- k. Invoice #52635 from RVH Mulch Supply, LLC for Contract #2059 – Residual Removal in the amount of \$20,350.00**  
Lewis Schneider, Director of Operations/Licensed Operator and Geordie Alliegro, Manager of Residuals approved invoice 3(k) for payment.
- l. Various Invoices from Aspen Tree Service, Inc. for Contract #2078-R-2 – Hazardous Tree Removal in the amount of \$21,137.50**  
Robert Malone, Manager GFM and William Jones, Assistant Manager GFM approved invoice 3(l) for payment.
- m. Invoice #3 from AJC0, LLC for Contract #2107 – Engineering Consulting & Planning Services in the amount of \$4,550.00**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(m) for payment.
- n. Invoice #14704 from Current Elevator Technology, Inc. for Contract #2075R – Modernization of Chemical Building Elevator & Elevator Maintenance in the amount of \$1,095.00**  
Maria Alliegro, Director of Engineering and Edward Newman, Construction Manager approved invoice 3(n) for payment.
- o. Invoice #8 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of \$22,229.00**  
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(o) for payment.
- p. Invoice #602710 from Premier Services/USIC, LLC for Contract #2097 – Underground Locating in the amount of \$2,611.04**  
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(p) for payment.
- q. Invoice #111-2057173 from BNY Mellon for Wanaque North Trustee Fees – 2015A Series Revenue Bonds in the amount of \$3,500.00**  
William Schaffner, Chief Financial Officer approved invoice 3(q) for payment.

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

**Resolution – Ratifying the Authorization and Issuance of an Emergency Purchase Order to J. Fletcher Creamer & Son, Inc. for the Work Associated with the Wanaque North Aqueduct**

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY  
COMMISSION RATIFYING THE AUTHORIZATION AND ISSUANCE OF AN  
EMERGENCY PURCHASE ORDER TO J. FLETCHER CREAMER & SON,  
INC. FOR THE WORK ASSOCIATED WITH THE WANAQUE NORTH  
AQUEDUCT**

**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**, during a repair of the air release chamber on the Commission’s Wanaque North Aqueduct (“WNA”) at Station 369+50 the repair team noticed that the chamber had a water level higher than the water table in the surrounding location and the ground in the area had standing water with no recent precipitation events on record, and determined that a leak was most likely emanating from the WNA in the

area; and

**WHEREAS**, the Commission initially procured the services of FSC Leak Detection (“FSC”) to locate the leak, but FSC was unable to locate the precise location of the leak due to the noise and vibrations from the adjacent Route 23 Overpass; and

**WHEREAS**, the Commission then procured the services of J. Fletcher Creamer and Son, Inc. (“Creamer”), who had previously assisted the Commission with other leak repairs, to mark out, locate, excavate, and repair the leak, address related items on the WNA, and restore the site (the “WNA Emergency Services”); and

**WHEREAS**, the WNA Emergency Services included, but were not limited to, excavating the area around the air release chamber to locate the precise location of the leak, plugging the pipe and welding a corporation to the pipe to stop the leak, repairing two additional pinholes that were discovered during the excavation, and backfilling and restoring the excavated areas; and

**WHEREAS**, in the course of performing the WNA Emergency Services, a 24-inch RCP storm pipe (the “NJDOT Pipe”) was uncovered resting directly on top of the Commission aqueducts, which was determined to have been installed by the New Jersey Department of Transportation (the “NJDOT”), and was found to have a sizeable hole that may likely have been contributing to the ponding water in this area; and

**WHEREAS**, the NJDOT Pipe runs east to west, conveying stormwater runoff from Route 23, across the Commission’s right-of-way, to the Pompton River; and

**WHEREAS**, due to the unacceptable manner in which the NJDOT Pipe was installed, the Commission determined it could not leave the NJDOT Pipe resting on the WNA, so the Commission procured the services of Creamer to perform additional emergency services, which included, replacing a 25-foot section of the NJDOT Pipe with 24-inch PVC, which eliminated direct contact of the NJDOT Pipe and the WNA (the “NJDOT Pipe Emergency Services”, and together with the WNA Emergency Services, the “Emergency Services”); and

**WHEREAS**, Creamer, a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services provided the Commission with the following: (1) an invoice in the amount of \$89,346.28 for the provision of the WNA Emergency Services, attached hereto as Exhibit A, and (2) an invoice in the amount of \$19,102.96 for the provision of the NJDOT Pipe Emergency Services, attached hereto as Exhibit B; 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 emergencies warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

**WHEREAS**, the award of these purchase orders was 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 Commission finds that Creamer’s invoices for the Emergency Services are reasonable under the circumstances; and

**WHEREAS**, the CFO of the Commission has certified that the funds are available to pay 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 the attached invoices; and

**WHEREAS**, the Commission further desires to seek reimbursement from the NJDOT for the payment of the NJDOT Pipe Emergency Services.

**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 emergencies existed.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes and ratifies the retention of Creamer to undertake the WNA Emergency Services in an emergent fashion, without public bidding, for the amount of \$89,346.28 in accordance with its invoice attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes and ratifies the retention of Creamer to undertake the NJDOT Pipe Emergency Services in an emergent fashion, without public bidding, for the amount of \$19,102.96 in accordance with its invoice attached hereto as Exhibit B.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby authorizes the Commission to take all actions necessary to seek reimbursement from the NJDOT for payment of the NJDOT Pipe 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.

Commissioner Cassella offered a motion to adopt the resolution ratifying the authorization and issuance of an emergency purchase order to J. Fletcher Creamer & Son, Inc. for the work associated with the Wanaque North aqueduct; seconded by Commissioner Cutrone 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, Vice Chairman Shotmeyer offered a motion to approve the Wanaque North Operating Account in the amount of \$4,281,984.13; seconded by Commissioner Ashkinaze and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

**Wanaque South Operating Account:**

Upon Chief Financial Officer Schaffner's certification of the attached bills and payroll transfers as being proper and accurate, Commissioner Ashkinaze offered a motion to approve the Wanaque South Operating Account in the amount of \$1,169,471.21; seconded by Commissioner Cutrone 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 Ashkinaze offered a motion to approve the Wanaque South Joint Venture Operating Account in the amount of \$518,970.64; 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 9:39 a.m.; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Cutrone voting in the affirmative.

**PUBLIC COMMISSION MEETING**

**AUGUST 23, 2023**

Respectfully submitted,

Kim Diamond  
Commission Secretary