

NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
PUBLIC COMMISSION MEETING
WEDNESDAY, DECEMBER 20, 2023

The monthly Public Meeting of the Commission was called to order by Chairman Howard L. Burrell on Wednesday, December 20, 2023 at 9:01 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 Terrence J. Duffy were recorded present. Also present were Timothy J. Eustace, Executive Director, William Schaffner, Chief Financial Officer, Michael Broncatello, Comptroller, 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 Cristina M. Cutrone was absent.

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

Vice Chairman Shotmeyer reconvened the Public Meeting at 9:47 a.m.

PUBLIC COMMISSION BUSINESS
ACTION REQUIRED:

Vice Chairman Shotmeyer offered a motion to approve the Public Commission Meeting Minutes of November 15, 2023; seconded by Commissioner Kuser and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Commissioner Cassella offered a motion to approve the Public Work Session Minutes of November 15, 2023; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Commissioner Cassella offered a motion to approve the Purchase Requisitions over \$5000 Report for December 2023 in the amount of \$324,997.50; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

UNFINISHED BUSINESS:

None

NEW BUSINESS:**Commission Invoices:**

- a. **Invoice #1083-68 from Stone Hill Construction for Contract #1083 – Lagoon Decant Tower Discharge in the amount of \$691,472.43**
Paul Serillo, Director of Facilities 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 \$1,239,512.94**
Paul Serillo, Director of Facilities and Michael Dox, Electrical Engineer approved invoice 3(b) for payment.
- c. **Invoice #13983375 from PFM Asset Management LLC – Fees for Oversight of Asset Management Program in the amount of \$1,778.68**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(c) for payment.
- d. **Various Invoices from Jacobs Engineering Group, Inc. for Contract #2051 – Construction Administration for Clarifier Rehab 1-4 in the amount of \$13,679.06**
Paul Serillo, Director of Facilities and Michael Dox, Electrical Engineer approved invoice 3(d) for payment.
- e. **Invoice #E6X94200045 from Jacobs Engineering Group, Inc. for Contract #2052 – Construction Administration for RTF in the amount of \$7,000.77**
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(e) for payment.
- f. **Invoice #E6Y04000-004 from Jacobs Engineering Group, Inc. for Contract #2111 – Design for Wanaque South Pump Station in the amount of \$15,897.50**
Maria Alliegro, Director of Engineering and Chris Clamser, Project 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 \$29,170.25**
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(g) for payment.
- h. **Various Invoices from Landscape Materials, Inc. for Contract #2083 – Removal of Residuals in the amount of \$48,825.00**
Geordie Allegri, Manager of Residuals and Lewis Schneider, Director of Treatment/Lab & Compliance approved invoice 3(h) for payment.
- i. **Invoice #53261 from RVH Mulch Supply, LLC for Contract #2117 – Residual Removal in the amount of \$15,725.00**
Lewis Schneider, Director of Operations/Licensed Operator and Geordie Alliegro, Manager of Residuals approved invoice 3(i) for payment.
- j. **Various Invoices from Current Elevator Technology, Inc. for Contract #2075R – Modernization of Chemical Building Elevator & Elevator Maintenance in the amount of \$100,370.00**

Paul Serillo, Director of Facilities and James Michels, Manager, Mechanical & Electrical Maintenance approved invoice 3(j) for payment.

- k. Invoice #627150 from Premier Services/USIC, LLC for Contract #2097 – Underground Locating in the amount of \$3,873.53**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(k) for payment.
- l. Invoice #68167 from DLB Associates Consulting Engineers for Contract #2063 – Electrical Consulting Services in the amount of \$2,350.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(l) for payment.
- m. Invoice #6 from AJC0, LLC for Contract #2107 – Engineering Consulting & Planning Services in the amount of \$5,850.00**
Maria Alliegro, Director of Engineering and Paul Serillo, Director of Facilities approved invoice 3(m) for payment.
- n. Invoice #42 from Clean Waters Consulting LLC for Contract #2066 – Reservoir Consulting in the amount of \$700.00**
Lewis Schneider, Director of Operations/Licensed Operator and Maureen Kneser, Lab Manager approved invoice 3(n) for payment.
- o. Various Invoices from Wilmington Trust for Wanaque South Trustee Fees in the amount of \$5,000.00**
William Schaffner, Chief Financial Officer approved invoice 3(o) for payment.
- p. Invoice #0867251 from GZA GeoEnvironmental, Inc. for Contract #1061 – Shooting Range Site Remediation in the amount of \$3,500.00**
Maria Alliegro, Director of Engineering and Les Malytskyy, Engineering Project Manager approved invoice (p) for payment.
- q. Invoice #9 from Iron Hills Construction for Contract #2086R – Potassium Permanganate System Rehabilitation in the amount of \$29,925.00**
Maria Alliegro, Director of Engineering and Chris Clamser, Project Engineer approved invoice 3(q) for payment.
- r. Various Invoices from French & Parrello Associates for Contract #2108 – 2023 Regular Dam Inspections in the amount of \$16,194.69**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(r) for payment.
- s. Invoice #C-2311525 from J. Fletcher Creamer & Son, Inc. for Wanaque North Aqueduct Improvement and Repair in the amount of \$147,937.12**
Maria Alliegro, Director of Engineering and Les Malytskyy, Project Engineer approved invoice 3(s) for payment.
- t. Various Invoices from Lerch, Vinci & Higgins, LLP for the 2022 Audit in the amount of \$49,156.00**
William Schaffner, Chief Financial Officer and Michael Broncatello, Comptroller approved invoice 3(t) for payment.
- u. FINAL Invoice #19183 from Scott Testing, Inc. for Contract #2082 – Electrical Distribution Analysis and Testing in the amount of \$11,754.00**
Paul Serillo, Director of Facilities and Michael Dox, Plant Electrical Engineer approved invoice 3(u) for payment.
- v. Invoice #1 from United Painters, Inc. for Contract #2113 – Monksville Dam Cone Valve Painting Project in the amount of \$30,210.00**
Maria Alliegro, Director of Engineering and James Stachura, Project Engineer approved invoice 3(v) for payment.
- w. Various Invoices from BNY Mellon Trust for Wanaque North Trustee Fees in the amount of \$2,750.00**
William Schaffner, Chief Financial Officer approved invoice 3(w) for payment.

Chairman Burrell stated that it has come to his attention that Invoice (a) with Stone Hill Construction is being pulled from the agenda due to an outstanding issue with project equipment. So can I please get a motion for approval on invoices b through w.

Commissioner Cassella offered a motion to approve invoices 3(b) through 3(w); seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy 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 2024 through December 2024 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 2024 through December 2024 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.

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

Resolution – Adopting the 2024 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 2024 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, 2024 and ending on December 31, 2024 (the “2024 Annual Budget”), including total appropriations of \$51,065,202.00 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 2024 Annual Budget was duly held on November 30, 2023, in accordance with N.J.S.A. 58:5-40; and

WHEREAS, the Commission desires to approve the 2024 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 20, 2023, as follows:

1. The Commission has duly reviewed and approves the proposed 2024 Annual Budget with a total appropriation of \$51,065,202.00; and
2. The Commission’s Executive Director is hereby authorized and directed to take all steps necessary to implement the 2024 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 2024 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 Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Adopting the 2024 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 2024 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, 2024 and ending on December 31, 2024 (the “2024 Annual Budget”), including total appropriations of \$22,718,709.00 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 30, 2023, in accordance with N.J.S.A. 58:5-40; and

WHEREAS, the Commission desires to approve the 2024 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 20, 2023, as follows:

1. The Commission has duly reviewed and approves the proposed 2024 Annual Budget with a total appropriation of \$22,718,709.00; and
2. The Commission's Executive Director is hereby authorized and directed to take all steps necessary to implement the 2024 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 2024 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 Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

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 of the Wanaque South Project Reserve for Renewal and Replacement of the Wanaque South Project; and

WHEREAS, this transfer is 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 \$1,500,000.00 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.

Vice Chairman Shotmeyer offered a motion to adopt the resolution approving the transfer of reserves; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Approving the Reallocation of the 2023 Wanaque North Operating Budget

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT
WATER SUPPLY COMMISSION
APPROVING THE REALLOCATION OF THE
2023 WANAQUE NORTH OPERATING BUDGET**

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 2023 Wanaque North Operating Budget in order to address immediate funding concerns, and determined that there are accounts with excess funds, and accounts which are currently underfunded; and

WHEREAS, the Commission has determined that it is necessary to reallocate funds in the 2023 Wanaque North Operating Budget in order to address the immediate funding concerns; and

WHEREAS, the Commission's staff has prepared a 2023 Wanaque North Operating Budget Reallocation List which would transfer the balances from accounts with excess funds to accounts that are currently underfunded, and the Commission desires to approve said 2023 Wanaque North Operating Budget Reallocation List.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the 2023 Wanaque North Operating Budget Reallocation List prepared by and on behalf of the Commission, a copy of which is attached hereto as Exhibit A, is hereby approved; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to implement the transfer of funds as indicated on the 2023 Wanaque North Operating Budget Reallocation List; and

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

Commissioner Cassella offered a motion to adopt the resolution approving the reallocation of the 2023 Wanaque North Operating Budget; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Approving and Authorizing the Establishment of a Financial Pool for Merit Wage Increases for Non-Union Personnel

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION APPROVING AND AUTHORIZING THE ESTABLISHMENT
OF A FINANCIAL POOL FOR MERIT WAGE INCREASES FOR NON-UNION
EMPLOYEES**

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 desires to establish a pool of funds of up to two (2%) percent of total annual salaries of all non-union employees to be utilized to grant wage increases to such employees based on merit; and

WHEREAS, the Commission believes that such merit wage increases for non-union employees are necessary and warranted; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Commission approves and authorizes the establishment of a pool of funds of up to two (2%) percent of total annual salaries of all non-union employees to be utilized to grant wage increases to such employees based on merit; and

BE IT FURTHER RESOLVED, that the Executive Director of the Commission, in consultation with staff, is hereby authorized to recommend wage increases from the established pool for all non-union employees based on merit.

Commissioner Duffy offered a motion to adopt the resolution approving and authorizing the establishment of a financial pool for merit wage increases for non-union personnel; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing Amendment No. 3 to Contract #2061 with Jacobs Engineering, Inc. for General Consulting Engineering Services

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING AMENDMENT NO. 3 TO CONTRACT #2061
WITH JACOBS ENGINEERING, INC. FOR GENERAL CONSULTING
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 has previously determined there was a need to retain a firm specializing in engineering services to provide general consulting engineering services for the Commission on multiple projects (the “General Consulting 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 July 16, 2019, the Commission publicly advertised a request for qualifications and proposals for the General Consulting Engineering Services, and received proposals from interested parties; and

WHEREAS, by Resolution No. 1889 dated November 20, 2019, the Commission authorized the award of a contract (“Contract #2061”) for General Consulting Engineering Services to Jacobs Engineering, Inc. (“Jacobs”) for a two (2) year term, 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, the General Consulting Engineering Services are performed from year-to-year, with the Commission funding Contract #2061 through the Commission’s Engineering Operating budget, with a not-to-exceed amount of \$250,000 per year; and

WHEREAS, additional work relating to compliance with the America’s Water Infrastructure Act of 2018/Risk and Resilience Assessment and related certification to get United States Environmental Protection Agency (“USEPA”) required an additional budget of \$50,000 for Contract Year 1 (2020); and

WHEREAS, on July 22, 2020, the Commission authorized Amendment No. 1 to Contract #2061 via Resolution No. 1931, which increased the not-to-exceed amount for Contract Year 1 (2020) to \$300,000.00; and

WHEREAS, for Contract Year 2 (2021), as it became necessary for Jacobs to provide additional engineering services on certain items, the Commission Staff recommended issuing a contract amendment in the amount of \$150,000, increasing the not-to-exceed amount of Contract #2061 from \$250,000 to \$400,000 for Contract Year 2 (2021) (“Amendment No. 2”) so that Jacobs may continue to provide engineering services through the end of 2021, which was approved on August 25, 2021, via Resolution No. 2002; and

WHEREAS, on or about November 17, 2021, the Commission adopted Resolution No. 2020, authorizing a one-year extension of Contract #2061 under the same terms and conditions as outlined in Contract #2061 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. 2086, authorizing a second renewal option and one-year extension of Contract #2061 under the same terms and conditions as outlined in Contract #2061; and

WHEREAS, Contract #2061 is set to expire at the end of December, 2023; however, there is one outstanding Work Order under Contract #2061 for the Design for the Orechio and Chemical Building Generator Replacement (“Work Order #22”); and

WHEREAS, while the work on Work Order #22 has been steadily progressing, it is at the 50% design stage; and

WHEREAS, the scope of work under Work Order #22 includes preparation of 100% design drawings and specifications, an engineering cost estimate, and support for the PSE&G service upgrade request and DCA permit application (the “Work Order #22 Services”); and

WHEREAS, the Work Order #22 Services are included in the contract price for Contract #2061; and

WHEREAS, Jacobs has provided an updated project schedule for completion of the Work Order #22 Services; and

WHEREAS, the Commission staff has reviewed the project schedule and recommends amending the termination date of Contract #2061 from December 31, 2023 to April 30, 2024 under the same terms and conditions as the original contract to provide for the completion of the Work Order #22 Services by Jacobs (“Amendment #3”); and

WHEREAS, the award of Amendment #3 is necessary for the efficient operation of the Commission; and

WHEREAS, there are no additional funds required from the Commission for Amendment #3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Amendment #3 to Contract #2061 with Jacobs is hereby approved amending the termination date of Contract #2061 from December 31, 2023 to April 30, 2024 under the same terms and conditions as the original contract to provide for the completion of the Work Order #22 Services; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Amendment No. 3 to Contract #2061, with all other terms and conditions of Contract #2061 including the contract price, as amended, to remain unchanged; and

BE IT FURTHER RESOLVED that Chairman or Vice Chairman of the Commission is hereby authorized to execute Amendment No. 3 to Contract #2061, 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 Duffy offered a motion to adopt the resolution authorizing Amendment #3 to Contract #2061 with Jacobs Engineering, Inc. for general consulting engineering services; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing a Sole Source Contract Award and Ratifying the Execution of an Agreement with Pure Technologies U.S., Inc. (XYLEM) for Work Associated with Beta Testing of the Pipe Diver Ultra Serves with Respect to the Integrity of the Wanaque North Aqueduct

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING A SOLE SOURCE CONTRACT AWARD AND
RATIFYING THE EXECUTION OF AN AGREEMENT WITH PURE
TECHNOLOGIES U.S., INC. (XYLEM) FOR WORK ASSOCIATED WITH
BETA TESTING OF THE PIPE DIVER ULTRA SERVICES WITH RESPECT
TO THE INTEGRITY OF 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, in connection therewith, the Commission has determined that it is necessary to retain the services of Pure Technologies U.S., Inc. (Xylem) (hereafter “Xylem”) to provide for services associated with beta testing of Xylem’s Pipe Diver Ultra Services with respect to the integrity of the Wanaque North Aqueduct (hereafter the “Services”); and

WHEREAS, Xylem exclusively developed the technology for the Services and maintains unique qualifications and expertise in the application of the technology; and

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

WHEREAS, following extensive negotiations between the Commission and Xylem, the parties reached consensus on a form of agreement governing the terms and conditions under which the Services were to be rendered (the “Beta Test Agreement”); and

WHEREAS, in order to ensure timely preparation for, and the commencement of, the Services in early December 2023, the parties agreed to execute the Beta Test Agreement, with the Commission agreeing to ratify it as soon as possible thereafter; and

WHEREAS, a true copy of the fully executed Beta Test Agreement is appended hereto as Exhibit A; and

WHEREAS, as a result of the foregoing and pursuant to the recommendation memorandum from the Commission staff, Executive Order #37, and Section 1(G) of the Commission’s Purchasing Policies and Procedures Manual (the “Manual”), the Commission has determined that Xylem constitutes a sole source provider of the Services; and

WHEREAS, the Commission now desires to ratify both the retention of Xylem to perform the Services in accordance with the Beta Test Agreement and any applicable laws, rules or regulations, the sole source award of the contract for the Services to Xylem, and the execution of the Beta Test Agreement; and

WHEREAS, the ratification of both award of the Beta Test Agreement, and its execution by the Commission, 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, while the Services are, in large part, being provided in-kind and in consideration of access to the Wanaque North Aqueduct, it is nonetheless anticipated that some Commission funds may be expended in connection with the performance of the parties under the Beta Test Agreement, and specifically, with respect to the provisions for the Beta Test Agreement set forth in Schedule B thereof (pertaining to the reporting of remaining mileage), and the Commission therefore wishes to authorize the expenditure of such funds as necessary in connection with performance under the Beta Test Agreement; and

WHEREAS, the Chief Financial Officer of the Commission has certified that the funds will be available for the Beta Test Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that the Beta Test Agreement with Xylem be and hereby is approved in the form actually executed by the parties, and appended hereto as Exhibit A; and

BE IT FURTHER RESOLVED, by the Board of Commissioners of the North Jersey District Water Supply Commission, that Xylem be designated as the sole source provider for the Services in accordance with the Manual; and

BE IT FURTHER RESOLVED that the Commission’s execution of the Beta Test Agreement with Xylem, be and is hereby authorized and ratified, as if the same had been fully authorized and awarded by the Commission in the ordinary course of business; and

BE IT FURTHER RESOLVED that the expenditure of Commission funds in connection with the performance of the Beta Test Agreement, in the amount of \$62,500.00 per mile, with a not-to-exceed of \$510,000.00 be and hereby is approved.

BE IT FURTHER RESOLVED that to the degree required, all necessary Commission staff and personnel be and hereby are authorized and directed to execute any documents or agreements reasonably necessary to effectuate the intention of the parties with respect to performance of the Beta Test Agreement.

BE IT FURTHER RESOLVED that a copy of this resolution and the Beta Test Agreement 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 a sole source contract award and ratifying the execution of an agreement with Pure Technologies U.S., Inc. (XYLEM) for work associated with beta testing of the pipe diver ultra services with respect to the integrity of the Wanaque North Aqueduct; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing Change Order No. 2 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. 2 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, on June 28, 2023, the Commission adopted Resolution #2141 authorizing Change Order No. 1 in the amount not-to-exceed \$2.0263 per gallon for the furnishing and delivery of Sodium Hypochlorite; and

WHEREAS, on December 1, 2023, JCI submitted a price Change Order No. 2 to Contract #2093 for a price increase from \$2.0263 per gallon to \$2.0463 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. 2 to Contract #2093 for a price increase to supply the Services at the delivered price increase from \$2.0263 per gallon to \$2.0463 per gallon effective January 1, 2024 (“Change Order No. 2”); and

WHEREAS, Commission staff have examined JCI’s requested Change Order No. 2 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. 2 to Contract #2093; and

WHEREAS, the award of this Change Order No. 2 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. 2 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. 2 to Contract #2093 with JCI in the amount not-to-exceed \$2.0463 per gallon effective January 1, 2024, is hereby approved.

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare Change Order No. 2 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. 2 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 Cassella offered a motion to adopt the resolution authorizing Change Order No. 2 to Contract #2093 with JCI Jones Chemicals Inc. for furnishing and delivery of sodium hypochlorite; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing Emergency Work with J. Fletcher Creamer & Sons, Inc. Associated with the Replacement of the Natural Gas Distribution Header Valves at the High Lift Pump Station

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION AUTHORIZING EMERGENCY WORK WITH J. FLETCHER
CREAMER & SONS, INC. ASSOCIATED WITH THE REPLACEMENT OF THE
NATURAL GAS DISTRIBUTION HEADER VALVES AT THE HIGH LIFT
PUMP STATION**

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's High Lift Pump Station (HLPS) was taken out of service due to natural gas leaks found in the distribution header valves that serve the four pumps (the "Valves"); and

WHEREAS, the four 2" welded valves are in buried service just outside the HLPS and are failing due to age and corrosion; and

WHEREAS, the entire natural gas header has been isolated to stop the gas leaks rendering the natural gas driven pumps unusable; and

WHEREAS, the HLPS provides the following critical functions for the Commission: (i) the HLPS can be utilized during periods of high demand or times when sections of the twin aqueducts are out of service for maintenance or repair to maintain water pressure and supply for the Commission's downstream partners; and (ii) the HLPS is utilized weekly to flush fresh water through the finished water storage reservoir or clearwell to limit water age, replenish chlorine levels, and control disinfection byproduct (DBP) formation to help ensure high quality safe drinking water; and

WHEREAS, as further detailed in Engineering Memo ENG #23-44, dated December 4, 2023 (the "Engineering Memo"), attached hereto, the replacement of the Valves requires that the Valves be dug up, cut out, and new valves installed, requiring special equipment to purge the existing line prior to any cutting, with a qualified welder for installation of the new valves (the "Emergency Services"); and

WHEREAS, the Commission solicited quotations from two qualified vendors with J. Fletcher Creamer & Sons, Inc. ("Creamer") providing the low quote of \$34,646.47 (the "Proposal"); and

WHEREAS, the Emergency Services are required to return the HLPS to service as soon as possible; and

WHEREAS, as set forth above and as per the Engineering Memo, it is recommended that the Commission award Creamer an emergency purchase order for the Emergency Services; and

WHEREAS, pursuant to its enabling legislation, N.J.S.A., 58:5-20, the Commission is entitled to undertake work by its own employees or outside contractors when the safety or protection of its or other public property or the public convenience requires, or the exigency of the situation will not allow for

advertisement or public bidding to address any emergency conditions; and

WHEREAS, pursuant to Section I, Subsection I of its Purchasing Policies and Procedures Manual, the Commission may make emergency purchases of materials and services without the necessity of public bidding as approved by the Commission's Executive Director and Chief Financial Officer ("CFO"); and

WHEREAS, based upon the recommendation of the Commission's Engineering staff, the Commission's Executive Director and CFO have determined that the aforementioned Emergency Services constitute an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding; and

WHEREAS, the Commission finds that Creamer is a qualified company experienced in the work necessary to expeditiously undertake the Emergency Services, and that its rates and the Proposal are reasonable under the circumstances; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission, in accordance with the provisions of N.J.S.A. 58:5-20 and Section I, Subsection I of its Purchasing Policies and Procedures Manual, that the aforementioned Emergency Services constitute an emergency warranting immediate action and repairs without the necessity of engaging in public advertisement and bidding.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby ratifies the actions of the Executive Director and CFO of the Commission in determining that an emergency exists in connection with the Valves at the HLPS.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the retention of Creamer to undertake the Emergency Services in an emergent fashion, without public bidding, in accordance with the Proposal, the Engineering Memo, and this resolution, in an amount not to exceed \$34,646.47.

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 emergency work with J. Fletcher Creamer & Sons, Inc. associated with the replacement of the natural gas distribution header valves at the High Lift Pump Station; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing the Execution of Change Order No. 6 to Contract #1083 Providing for a Credit in the Amount of \$1,570,200.50 from Stone Hill Contracting Company, Inc. to the Commission in Connection with Changes to the Scope of Work Associated with the 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 AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 6
TO CONTRACT #1083 PROVIDING FOR A CREDIT IN THE AMOUNT OF
\$1,570,200.50 FROM STONE HILL CONTRACTING COMPANY, INC. TO THE
COMMISSION IN CONNECTION WITH CHANGES TO THE SCOPE OF
WORK ASSOCIATED WITH THE 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 Water Bank (“NJWB”), formerly NJIB and 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 (the “Contract Bid Price”), 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 an additional \$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 No. 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 No. 1952 authorizing Change Order No. 3 to allow a new substantial completion deadline of November 30, 2021 (“Change Order No. 3”); and

WHEREAS, due to Covid-19 pandemic related delays, on or about November 17, 2021, the Commission adopted Resolution No. 2022 authorizing Change Order No. 4 to allow a new substantial completion deadline of November 30, 2022 (“Change Order No. 4”); and

WHEREAS, the Lagoon Decant Tower Discharge/RTF Upgrade project, had 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 became inundated with an excess amount of solids; and

WHEREAS, to improve the Lagoon’s water quality and add storage capacity, on November 30, 2022, the Commission and Stone Hill executed Change Order No. 5, which set forth a new substantial completion deadline of September 30, 2023 to allow Stone Hill to perform the needed wet sludge removal from the Lagoon in accordance with the Contract (“Change Order No. 5” and together with Change Order No. 1, Change Order No. 2, Change Order No. 3, Change Order No. 4, the “Change Orders”); and

WHEREAS, on or about December 21, 2022, the Commission adopted Resolution No. 2108 authorizing and ratifying the execution of Change Order No. 5 to set forth a new substantial completion deadline of September 30, 2023; and

WHEREAS, due to access and geographic issues around the Lagoon ring road, certain wet and dry sludge removal operations were omitted from the scope of work in Contract #1083, as modified by the Change Orders; and

WHEREAS, during the course of performance of the Design Build Services it was also determined that the amount of rock excavation was overestimated, and waterproofing Basin ET-3 was not necessary for this project; and

WHEREAS, the RTF upgrades for the Lagoon Decant Tower Discharge Project and the Design Build Services set forth in Contract #1083, as modified by the foregoing and the Change Orders, is now complete; and

WHEREAS, Stone Hill and the Commission staff have reconciled the final invoices for the Design Build Services, are in agreement on the final balance for the Design Build Services, and have determined that the Commission is entitled to a credit on the Contract Bid Price for Contract #1083, as modified by the Change Orders, in the amount of One Million Five Hundred Seventy Thousand Two Hundred and 50/100 Dollars (\$1,570,200.50) (the “Credit”) due to modifications to the scope of work in Contract #1083 (“Change Order No. 6”); and

WHEREAS, as a result of the foregoing, the Commission staff and Stone Hill have determined that the Contract Bid Price for Contract #1083, as modified by the Change Orders, for the Design Build Services shall include the Credit and be reduced as follows:

Original Contract Bid Price.....	\$4,100,000.00
Total of Previous Change Orders.....	\$22,488,642.00
Less the Credit.....	<u>(\$1,570,200.50)</u>
Total Contract Cost Including Change Orders and Credit.....	\$25,018,441.50

WHEREAS, the NJDEP, Division of Water Quality, Municipal Finance & Construction Element, reviewed Change Order No. 6 for compliance with the New Jersey Water Bank rules and regulations, and issued its approval of Change Order No. 6 to the Commission by letter, received November 9, 2023, which is attached hereto as Exhibit A; and

WHEREAS, Commission staff also examined Change Order No. 6 and have recommended that the Commission approve Change Order No. 6 to Contract #1083; and

WHEREAS, the award of this Change Order No. 6 to Contract #1083 is necessary for the efficient operation of the Commission; and

WHEREAS, no additional funds are required for this Change Order No. 6 to Contract #1083.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the North Jersey District Water Supply Commission that Change Order No. 6 to Contract #1083 with Stone Hill is hereby approved, providing for a Credit from Stone Hill to the Commission in the amount of One Million Five Hundred Seventy Thousand Two Hundred and 50/100 Dollars (\$1,570,200.50) for the price decrease to the Contract Bid Price, as modified by the Change Orders, associated with the change in the scope of work to the Design Build Services, 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 Change Order No. 6 to Contract #1083, to provide for the Credit to the Commission, with all other terms and conditions of Contract #1083 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. 6 to Contract #1083 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; and

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

Vice Chairman Shotmeyer offered a motion to adopt the resolution authorizing the execution of Change Order No. 6 to Contract #1083 providing for a credit in the amount of \$1,570,200.50 from Stone Hill Contracting Company, Inc. to the Commission in connection with changes to the scope of work associated with the Residual Treatment Facility upgrades for the Lagoon Decant Tower Discharge Project; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing Change Order No. 2 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. 2 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 progressed, it has become evident that a secondary, smaller outlet needed 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, on December 21, 2022, the Commission adopted Resolution No. 2103 authorizing Change Order No. 1 to Contract #2086R, in the amount not-to-exceed \$11,200.00 for the Additional Work; and

WHEREAS, as the provision of Services progressed, the scope of work was modified to eliminate the painting of the silo interiors which was priced at \$56,000.00, and the Commission determined to purchase the Pot Perm material transfer system from Iron Hills for \$8,500.00, adjusting the contract value from a not-to-exceed amount of \$964,200.00 to a not-to-exceed amount of \$916,700.00 (“Change Order #2”); and

WHEREAS, Commission staff have examined Change Order No. 2 to the Contract #2086R, and have recommended that the Commission approve Change Order No. 2 to Contract #2086R in order to close out Contract #2086R after the retainage period is satisfied; and

WHEREAS, the award of this Change Order No. 2 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, no additional funds are required for this Change Order No. 2 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. 2 to Contract #2086R with Iron Hills is hereby approved, adjusting the contract value from a not-to-exceed amount of \$964,200.00 to a not-to-exceed

amount of \$916,700.00, associated with the change in the scope of work and the purchase of the Pot Perm material transfer system from Iron Hills, 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 Change Order No. 2 to Contract #2086R, to provide for the adjustment in the contract price, with all other terms and conditions of Contract #2086R 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 #2086R 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; and

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

Commissioner Duffy offered a motion to adopt the resolution authorizing Change Order No. 2 to Contract #2086R with Iron Hills Construction Co. for work associated with pot perm system rehabilitation; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing the Issuance of an Emergency Purchase Order to Dredge Rental & Marine, LLC for the Acquisition of Equipment for Lagoon Dredging

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 DREDGE RENTAL & MARINE, LLC FOR THE
ACQUISITION OF EQUIPMENT FOR LAGOON DREDGING**

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 authorized KEK Pond Cleaning and Dredging LLC ("KEK") to clean and dredge a local pond at 18 DuPont Terrace, the Inner and Outer Lagoon areas in June and July, 2023; and

WHEREAS, subsequent to KEK's Summer 2023 dredging and cleaning of the Inner Lagoon, the Commission discovered that additional residuals have accumulated in the Inner Lagoon which require removal prior to a potential Winter freeze; and

WHEREAS, per Resolution No. 2154, the Commission retained Dredge Rental & Marine, LLC ("DR&M") for the provision of emergency dredging services to the Inner Lagoon ("Dredging Services") for a period of one month for an amount not to exceed \$40,054.00, which included a \$15,000 security deposit (the "DR&M Rental"); and

WHEREAS, the DR&M Rental expired on November 29, 2023; and

WHEREAS, the Commission has determined there is a need for immediate on-going dredging services within the Commission's lagoon; and

WHEREAS, the Commission received a price quote from DR&M for the sale of the dredge that is currently utilized for the Dredging Services, together with the trailer and associated equipment (the "Equipment") for \$81,411.00 (the "Proposal"); and

WHEREAS, the acquisition of the Equipment by the Commission (the "Emergency Purchase") is essential to the operations of the Commission; and

WHEREAS, the Equipment is located on-site at the Commission and the Commission staff is familiar with the operation and condition of the Equipment; and

WHEREAS, the Equipment will remain on-site at the Commission pending the sale; and

WHEREAS, the Commission has determined the 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 staff, the Commission's Executive Director and CFO determined that the aforementioned Emergency Purchase constituted an emergency warranting immediate action 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 Purchase constitutes an emergency warranting immediate action 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 the Emergency Purchase in an emergent fashion, without public bidding, and the issuance of a purchase order in an amount not to exceed \$81,411.00 for payment to DR&M for the Emergency Purchase.

BE IT FURTHER RESOLVED that all necessary Commission staff and personnel are hereby authorized and directed to execute any documents or agreements reasonably necessary to effectuate the intention of the parties with respect to the Emergency Purchase.

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 issuance of an emergency purchase order to Dredge Rental & Marine, LLC for the acquisition of equipment for lagoon dredging; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Resolution – Authorizing the Execution of an Agreement with Thomas Solutions for the Sale of Certain Surplus Equipment

Commission Secretary Kim Diamond read the following resolution:

**RESOLUTION OF THE NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THOMAS SOLUTIONS FOR
THE SALE OF CERTAIN SURPLUS EQUIPMENT**

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 the broad power conferred in N.J.S.A. 58:5-7, the Commission is empowered to dispose of all such personal property as may no longer be necessary for the uses and purposes for which the Commission was created; and

WHEREAS, the staff of the Commission determined that the Commission's centrifuge and associated equipment listed in Exhibit A attached hereto (the "Equipment") is no longer necessary for the operations of the Commission; and

WHEREAS, as authorized by Resolution No. 1908, the Commission listed the Equipment on GovDeals, a state contract online government surplus auction website, in June, 2020 and September, 2020; and

WHEREAS, no bids were received for the Equipment; and

WHEREAS, the Commission's Purchasing Manual, permits the negotiation of an agreement for the sale of equipment after two rounds of solicitation resulting in no bids; and

WHEREAS, the Commission negotiated a private sale for the Equipment to Thomas Solutions with a purchase price of \$100,000.00, in an "as is" condition, without express or implied warranties, all consistent with an agreement of sale setting forth the terms and conditions with respect to the sale of the Equipment (the "Agreement"); and

WHEREAS, the sale and disposition of the Equipment is necessary for the Commission's efficient operations and the protection of its water supply facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the North Jersey District Water Supply Commission hereby authorizes the sale of the Equipment to Thomas Solutions with a purchase price of \$100,000.00, in an "as is" condition, without express or implied warranties, all consistent with the terms of the Agreement; and

BE IT FURTHER RESOLVED that all necessary Commission staff and personnel are hereby authorized and directed to execute any documents or agreements reasonably necessary to effectuate the intention of the parties with respect to the sale and disposition of the Equipment; and

BE IT FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized to prepare the Agreement to provide for the sale of the Equipment; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman of the Commission is hereby authorized to execute the Agreement 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; and

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

Commissioner Cassella offered a motion to adopt the resolution authorizing the execution of an agreement with Thomas Solutions for the sale of certain surplus equipment; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella 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 \$7,522,502.77; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative. Vice Chairman Shotmeyer abstained on check #67489.

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 \$936,849.25; seconded by Commissioner Cassella and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella 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 \$462,357.23; seconded by Commissioner Duffy and approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

There being no further business, Commissioner Ashkinaze offered a motion to adjourn the meeting at 9:58 a.m.; seconded by Commissioner Duffy and unanimously approved with Chairman Burrell, Vice Chairman Shotmeyer and Commissioners Ashkinaze, Kuser, Cassella and Duffy voting in the affirmative.

Respectfully submitted,

Kim Diamond
Commission Secretary