

Meeting of May 23, 2013 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:15 p.m. Treasurer Levison in the Chair.

The Executive Director read the following statement:

Pursuant to Section #5, Chapter 231, P.L. 1975, notice of this meeting has been provided to the public by posting the notice of the meeting of the Joint Meeting on the bulletin board of the Maplewood Municipal Building; by mailing the notice of the meeting to the Star Ledger, The Home News Tribune and to the offices of the Municipal Clerks of the 11 member municipalities of the Joint Meeting and to the City Clerk of the City of Elizabeth and to the County Clerks' Offices of Essex and Union, all on April 5, 2013.

On roll call the following members were present: Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal. Mr. Florio notified the office that he would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Sforza, Dowhan, Phillips, Barry and Berkeley, Esq. of Joint Meeting; E. Webster Esq. of Genova, Burns, Giantomasi and Webster et al., Joint Meeting's Consultants CME Associates (CME), AVA Consulting LLC (AVA) and Global Logistics Group (GLG).

The Treasurer led the pledge of allegiance.

On motion by Ms. Jones seconded by Ms. Garretson, the minutes of the last meeting were approved as printed. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Ms. Garretson, Jones and Leventhal; nays, none; abstaining, Mr. Cirilo.

On motion by Ms. Leventhal, seconded by Mr. Levison, the **Treasurer's Report** having been mailed to the Board members was received and ordered printed. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

The following verbal report was given:

Personnel & Procurement Committee: Ms. Leventhal stated that the Committee had met, discussed and recommends authorization of the following: renewal of insurance policies (R-040); awarding a contract to CME Associates for Professional Services related to SCADA Phase I (R-042); awarding a contract to CME Associates for Professional Services related to The Primary Tunnel Electrical Modifications (R-043) amending of contract with CME Associates for Professional Services related to the Facilities Flood Control (R-044); agreement with Great Lakes Environmental Center through the New Jersey Harbor Dischargers Group for 2013-2014 (R-045); a Purchase Order to WSG & Solutions for Two (2) WSG Gear Box Reducers (R-046); Change Order #1 and #2 to the contract with Spectraserv, Inc. for Digester No. 2 Cleaning and Modifications (R-047); a Purchase Order to Komline-Sanderson for Parts for Komline-Sanderson Gravity Belt (R-048) and amending of contract with Genova Burns Giantomasi Webster, LLC for General Counsel Services (R-049).

On motion by Ms. Leventhal, seconded by Mr. McDermott, Resolution 040, authorizing Annual Insurance Renewal was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Mr. McDermott, seconded by Ms. Leventhal, Resolution 042, awarding of a Contract to CME Associates for Professional Engineering Services for SCADA Phase I was adopted.

On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Mr. McDermott, Resolution 043, awarding a Contract to CME Associates for Professional Engineering Services for the Primary Tunnel Electrical Modifications was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Jones, seconded by Mr. Bomgaars, Resolution 044, amending Contract with CME Associates for Professional Engineering Services for Facilities Flood Control was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Garretson, seconded by Ms. Jones, Resolution 045, authorizing the Execution of an Agreement with Great Lakes Environmental Center through the New Jersey Harbor Dischargers Group for 2012-2014 was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Cirilo, Resolution 049, amending a Contract with Genova Burns Giantomasi Webster, LLC for General Counsel Services was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Jones, seconded by Ms. Garretson, Resolution 046, authorizing a Purchase Order to WSG & Solutions for Two WSG Gear Box Reducers was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Mr. Cirilo, seconded by Ms. Garretson, Resolution 047, authorizing Change Order #1 and #2 to the Contract with Spectraserv, Inc. for Digester No. 2 Cleaning and Modifications was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Garretson, seconded by Ms. Leventhal, Resolution 048, authorizing a Purchase Order to Komline-Sanderson for Parts for Komline-Sanderson Gravity Belt was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Garretson, seconded by Mr. Cirilo, the **Treatment Plant, Industrial Pretreatment and 403 Annual Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Jones, seconded by Ms. Garretson, **Counsel, Conflict Counsel** and the **Engineer's Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

The correspondence will be printed in the minutes.

The Treasurer asked if there was anyone wishing to address the Board on any Joint Meeting matter with a five-minute limit. Hearing no one the Public Session was declared closed.

The Treasurer read the following statement which on motion by Ms. Garretson, seconded by Ms. Jones, was received and ordered printed. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

In accordance with Section 7 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances and as the Joint Meeting is of the opinion that such circumstances presently exist as the general nature of the subject matter to be discussed is Personnel and it is anticipated at this time that this subject matter will be made public upon reconvening.

Upon reconvening on motion by Ms. Garretson, seconded by Ms. Jones, Resolution 039, approving payment of bills was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Jones, seconded by Ms. Leventhal, Resolution 041, Memorializing Board's Action during the April 18, 2013 Board Meeting authorizing the Amendment of Resolution 083-12 so as to Remove Birdsall Services Group, Inc. from List of Qualified Respondents for Special Engineering Services was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

With regard to Resolution 050, the Superintendent explained that this is the settlement claim of DMR Construction Services, Inc. DMR was contracted for the Service Water System Upgrades by installing a membrane filtration system, etc. to treat plant effluent to be used in various areas of the plant in place of potable water.

Counsel Webster explained that the \$300,000.00 represents a settlement of all claims.

On motion by Ms. Garretson, seconded by Mr. Bomgaars, Resolution 050, authorizing the Settlement of Claims of DMR Construction Services, Inc. was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

Counsel Webster stated that at the last meeting the audit report was tabled due to questions regarding the language on page 21 with regard to the Occidental litigation. This has been discussed with the auditor, Suplee, Clooney & Company, the language has been reviewed and modified and now reads, "However, with respect to litigation captioned NJDEP/Occidental Chemical, the Joint Meeting interests has been vigorously defended and all allegations contained in the Third Party Complaint denied. At this time, a settlement agreement has been entered into between the State of New Jersey and the Third Party Defendants. As such, we believe that the litigation will not have a material impact on the financial condition of the Joint Meeting. However, the settlement agreement is subject to Court approval and should Court approval not be received, the litigation will be reinstated. If this happens, the potential exposure to the Joint Meeting of Essex and Union Counties is unknown". Counsel has spoken with the auditor and management and believes that there is going to be a supplement issued that contains this language that will be inserted and essentially supplement the audit report which will go out to the municipalities and the Division of Local Government Services.

Counsel Webster further stated that he is working with the auditor to identify the final form which will be communicated either in a revamped report, a rewritten report or simply a supplement to the existing report. However, the resolution needs to be passed because of the 45 day limit.

In answer to the question of whether it would be appropriate where in the resolution the audit is referred to it would read the audit report as amended Counsel Webster explained that since he is not sure if it is going to come as amendment or it's going to be an amendment he believes saying audit report and amendment is preferable.

Mr. Bomgaars stated that if what the Board is approving is an amendment, he'll make that amendment.

Counsel Webster stated it would be an amendment to include anywhere where it says audit report it would be audit report and amendment

On motion by Mr. Levison, seconded by Ms. Jones, Resolution 051, Certifying to The Local Finance Board Its Compliance Regarding Annual 2012 Audit Pursuant to N.J.S.A. 40A:5A-17 was adopted. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

New business – The Executive Director stated that the NACWA Conference will be held July 14th-17th in Cincinnati, Ohio and the WEFTEC Conference will be held October 5th-9th in Chicago, Illinois. Any member interested in attending either or both Conference should notify the office.

There being no further business on motion by Mr. Levison, seconded by Ms. Jones, the meeting then adjourned to meet again on Thursday, June 20, 2013, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. McDermott, Casais, Levison, Bomgaars, Cirilo, Ms. Garretson, Jones and Leventhal; nays, none.

Respectfully submitted,

Howard Levison
Treasurer