

Meeting of June 20, 2013 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:35 p.m. Chairperson Rice 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 December 26, 2012.

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

Also in attendance were Messrs. McGhee, Terrezza, Dowhan, Akinokun, Barry and Berkeley, Esq. of Joint Meeting; E. Webster, J. Nobel and J. Borek Esq. of Genova, Burns, Giantomasi and Webster et al., Joint Meeting's Consultants CME Associates (CME), AVA Consulting LLC (AVA), Global Logistics Group (GLG) and Arlene Carollo of Zinn Graves and Field.

The Chairperson led the pledge of allegiance.

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

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

On motion by Ms. Garretson, seconded by Mr. Green, approval was given to change the agenda. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

The Executive Director explained that the agenda is being changed in order to move the Finance and Budget Capital Improvement Plan (R-063) because many of the P&P Committee recommendations are contingent upon approval of the Capital Improvement Plan.

On motion by Ms. Garretson, seconded by Mr. Casais, Resolution 063, approving a Capital Improvement Plan was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson 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: awarding a contract to CME Associates for Professional Services in obtaining funding from the NJEIT (R-054); awarding a contract to CME Associates for Professional Services for Design Phase for the Digester No. 1 Cleaning and Modifications (R-055); awarding a contract to CME Associates for Professional Services for Storm Water System Isolation (R-056); receipt of bids for Various Services, Equipment and Materials (R-057); awarding a contract to Montana Construction Corp., Inc. for Modification of the Millburn Crossing on the Rahway River East Branch (R-058); awarding a contract to Allied Construction

Group, Inc. for Plant Laboratory Basement Entrance Modifications (R-059); awarding a contract to ADS Environmental Services for installing and maintaining New Wireless Wastewater Flow Metering Equipment and Software (R-060); awarding a contract to Moyno, Inc. for Furnishing and Delivering Spare Pump Parts (R-061) and the purchase of Energy Generation Services for Public Use through an Online Auction Website (R-062).

With regard to Resolution 054, CME Associates explained that a report will be prepared and sent to the New Jersey Environmental Infrastructure Trust (NJEIT) Fund in order to secure funding for projects going forward. The report will list the projects, the estimated costs and a letter of intent signed by the Executive Director to construct the projects if funding is received from NJEIT

The Director of Administration and Finance explained that basically the funding for the projects is received from the individual municipalities. However, a letter will be sent to each municipality with instructions if they are interested in applying for the NJEIT loan. The loan is in two (2) parts, 1) half of the loan is at a small interest rate, and 2) half is at no interest and is a 20 year loan. As in the past a financial advisor and a bond counsel will be hired. Based on past experience it is advantageous for the municipalities to apply for the loan.

On motion by Ms. Leventhal, seconded by Mr. Levison, Resolution 054, awarding a Contract to CME Associates for Professional Engineering Services in Connection with Obtaining Funding from the New Jersey Environmental Infrastructure Trust was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Ms. Garretson, Resolution 055, awarding a Contract to CME Associates for Professional Engineering Services for Design Phase Services for the Digester No. 1 Cleaning and Modifications was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

CME explained that following the flooding and damage cause by Hurricane Sandy, it was decided that if we had some isolation chambers and sluice gates or valves on the storm sewer system we may have been able to minimize some of the flooding.

On motion by Mr. Florio, seconded by Mr. Cirilo, Resolution 056, awarding a Contract to CME Associates for Professional Engineering Services for Storm Water System Isolation was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

On motion by Mr. Cirilo, seconded by Mr. Florio, Resolution 057, authorizing the Procurement by Public Bidding of Various Services, Equipment and Materials was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

CME Associates explained that improvements need to be done on the Millburn Crossing of 3 of our collection system pipes which will impact Maplewood, South Orange and West Orange and Summit. The foundation piers for the 3 pipe lines are subject to erosion from the stream of the East Branch of the Rahway River. The stream will be dredged to reposition the deposited silt and then the coated with a concrete mat in order to allow for the velocity of the existing stream not to stir the silt up again.

On motion by Mr. Florio, seconded by Mr. Green, Resolution 058, awarding a Contract to Montana Construction Corp., Inc. for Modification of the Millburn Crossing on the Rahway River East Branch was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

CME Associates explained that here again because of Hurricane Sandy the lab flooded and a lot of equipment was lost. By eliminating the current ramp and building a conventional stairwell which has the ability to hoist equipment out of the basement and making the top of the stairwell equaled to the finished wall that's being build (approximate elevation 16 feet) flooding will be eliminated to that level in the future.

On motion by Ms. Leventhal, seconded by Mr. Florio, Resolution 059, awarding a Contract to Allied Construction Group, Inc. for Plant Laboratory Basement Entrance Modifications was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

It now being 5:00 p.m. Mr. Green had to leave.

On motion by Ms. Leventhal, seconded by Ms. Casais, Resolution 060, awarding a contract to ADS Environmental Services for Installing and Maintaining New Wireless Wastewater Flow Metering Equipment and Software was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Florio, Resolution 061, awarding a Contract to Moyno, Inc. for Furnishing and Delivering Spare Pump Parts was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

On motion by Ms. Garretson, seconded by Cirilo, Resolution 062, authorizing the Purchase of Energy Generation Services for Public Use through an Online Auction Website was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson and Leventhal; nays, none.

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

The following litigation update was given: Counsel Borek gave the following update on the litigation: the New Jersey Spill Compensation and Control Act Bill was released at the Senate Committee Hearing; Environmental Groups and small business groups testified against the bill; understanding of what the bill will do is lacking; our lobbyist, Impact New Jersey, not communicating enough education on it; the process has been slowed because of the Governor's Office; we need to push it more; educate people more on it which she emphasized to our lobbyist who is trying to get it on for a full Assembly vote before the July break; the comment period on our settlement will end July 5th after we will know if there's been objections submitted to DEP; July 1st the DEP will publish in the New Jersey Register their settlement with Maxim/Tierra so we will see all the details of that and then there will be a 60 day comment period; estimates that it would be about 1 ½ years before our settlement would be concluded, this is because the fairness hearing still has to be held and there is no doubt that the environmental groups will oppose the Maxim/Tierra settlement as inadequate; JIF (Joint Insurance Fund) lobbying for Green's amendment because it gives more of a blanket protection for local units under the Spill Act but it's only prospectively for discharges that occur after the date of the enactment.

Counsel Webster explained that it is his understanding is that the settlement number is in the NJ State budget which was passed; even if we settle the municipalities will be involved because there's still a re-opener which we have not been able to negotiate out of; usually when a case is settled, all claims are settled which doesn't seem to be the case here; if the liability seems to be greater than the settlement amount they can come back and sue us again; the bill is very clear however Mr. Titell of

the Sierra Club thinks the bill is a blanket exemption which it is not; also they don't understand the overlapping regulatory jurisdiction we are under from DEP and EPA; there could be an occasion during wet weather that our combined sewers overflow and raw sewage is pumped into the river which is allowed under the Clean Water Act which Mr. Titell is not happy about; his group would rather we build something to hold the sewage during the wet weather which would cost billions of dollars; we are continuing to engage the Legislature and pushing for a vote, the energy that was around when this was in a full blown litigation has been negated.

CME Associates explained that the Chair recognized the impact in the future because of National Lead doing the same thing and which will impact Middlesex County's municipalities; reminded the Committee that this issue started in 1983 not 2005 but seems the process is evidence of a stalling technique to stretch this out; we also come under the Clean Water Act and the Clean Water Enforcement Act which are different laws that impact us; although money wasn't mentioned at the Senate Hearing, it was mentioned when the Chair asked the Garfield Administrator of JIF how much money his municipality had spent and he said about \$67,000.00 and when CME testified they told the Chair that in 1 year Joint Meeting had spent over \$1,000,000.00.

Zinn Graves and Field explained that public relations outreach have been on hold because of the bill being on hold; need to discuss with the lobbyist and counsel about what can be done to get a better message out; municipalities are not enthusiastic about the bill because they figured they've settled; a Q&A should be put together and sent to reporters and put on the website; so that importance of the bill is understood; there was an article in the Star Ledger June 13th with a sidebar which said that the controversial measure would exempt most sewage from being considered a hazardous substances under the States Spill Compensation and Control Act; that would extract dozens of municipalities and public authorities from a State Superior Court Case involving dumping in the Passaic River which is shown in this 2011 file photo; the case is being settled but if people read that and they are not going to understand the whole concept of the bill.

On motion by Mr. Casais, seconded by Ms. Leventhal, **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. Casais, Levison, Bomgaars, Florio, Rice, Ms. Garretson and Leventhal; nays, none.

It should be noted at this time that Mr. Cirilo had left the meeting.

The correspondence will be printed in the minutes.

The Chairperson 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.

On motion by Ms. Leventhal, seconded by Mr. Levison, Resolution 052, approving payment of bills was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson and Leventhal; nays, none.

On motion by Mr. Casais, seconded by Ms. Leventhal, Resolution 053, Assessment for the Third Quarter of 2013 was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson and Leventhal; nays, none.

On motion by Ms. Garretson, seconded by Mr. Florio, Resolution 064, authorizing the Executive Director to pay All Bills for Work Performed between June 21 through August 15, 2013 was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson and Leventhal; nays, none.

On motion by Mr. Casais, seconded by Ms. Leventhal, Resolution 065, authorizing an Increase in Employment Compensation was adopted. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson and Leventhal; nays, none.

There being no further business on motion by Ms. Garretson, seconded by Mr. Florio, the meeting then adjourned to meet again on Thursday, September 19, 2013, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson and Leventhal; nays, none.

Respectfully submitted,

Ronald C. Rice
Chairperson