

## Meeting of July 19, 2012 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:00 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 30, 2011.

On roll call the following members were present: Messrs. Green, Rice, Levison, Bomgaars, Florio, Ms. Garretson, Leventhal and Torres. Ms. Jones arrived at 4:10 p.m. and Mr. Cirilo arrived at 4:20 p.m. during Executive Session. Mr. McDermott notified the office that he would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Terrezza, and Berkeley, Esq. of Joint Meeting; E. Webster, C. Hartwyk and J. Nobel Esq. of Genova, Burns, Gianatomasi and Webster et al., Joint Meeting's Consultants CME Associates (CME), Global Logistics Group (GLG), A. Adjepong of Public Works Management LLC (PWM), Consultants for the City of Newark, Andrew Brewer Esq. Town of Millburn, Steven Rother, Esq. Village of South Orange and Saul Qersdyn and staff of the Concerned Citizens of Roselle Park.

The Chairperson led the pledge of allegiance.

The motion by Mr. Rice, seconded by Mr. Green, to change the Order of Business was approved. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Ms. Garretson, Leventhal and Torres; nays, none.

The Chairperson read the following statement which on motion by Mr. Levison, seconded by Ms. Garretson, was received and ordered printed. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Ms. Garretson, Leventhal and Torres; 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 Litigation and it is anticipated at this time that this subject matter will be made public at a later date.

Upon reconvening it should be noted that Ms. Jones arrived at 4:10 p.m. and Mr. Cirilo arrived at 4:20 p.m.

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

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

CME Associates explained that CDM Smith was requested to submit a proposal as to where the collection system is at the greatest risk, where improvements can be made to alleviate flooding and

identify the problematic areas for Joint Meeting. This project would demonstrate to DEP and the public that steps are being taken to alleviate the conditions that create flooding and backups in the system during storm events. In addition, once it is set up the computer model would show which municipality the rainfall is coming from and if there is a blockage in a municipality how it could affect the other municipalities. We are also progressing with identifying an area in Union where there has been a nonfunctioning valve which is being replaced. Other municipalities also have some problem areas to which we are responding as they are identified.

On motion by Ms. Leventhal, seconded by Mr. Bomgaars, Resolution 059, authorization awarding a contract to CDM Smith for Professional Engineering Services for Trunk Interceptor Hydraulic Modeling Evaluations was adopted. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Ms. Garretson, Jones, Leventhal and Torres; nays, none; abstaining, Mr. Cirilo.

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

On motion by Mr. Levison, 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. Green, Rice, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

The correspondence will be printed in the minutes.

The Executive Director stated that Joint Meeting won the Silver Peak Performance Award from NACWA.

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 Mr. Bomgaars, seconded by Mr. Levison, Resolution 057, approving payment of bills was adopted. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

On motion by Mr. Cirilo, seconded by Mayor Florio, Resolution 058, appreciation to Patricia Spango, was received and ordered printed. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

CME Associates explained that when we applied for renewal of our NJDPES permit in 2009, DEP issued a draft permit which had some erroneous details which were not factual and in some cases there were local limits. We also wanted to make sure that DEP incorporated into the permit our methodology to respond to extraordinary storm events so they wouldn't elect that we violated our permit. After numerous meetings and discussions DEP agreed that there were some issues that could be resolved and agreed to modify the permit. However, they stipulated that they did not have to review our operational protocol during storm events since only local protocol determines the process. That was a major win for us as there are times when the regulatory agency could come back and say that something was done without their approval. We sent them our information and they did not want to speak or advise us. In return for this we agreed to withdraw our objections. Once our wastewater management plan is completed which is in the final stages, we may go back to them and start arguing about the maximum flows, design flows and what our operations flows are. In the past they allowed us at the permit stage to do this.

Counsel Noble stated that in the settlement we reserved the right to file another appeal. However, since the Judge is retiring, we wanted this taken care of before he left the Bench.

On motion by Ms. Garretson, seconded by Mayor Florio, Resolution 060, authorizing Settlement of Pending New Jersey Department of Environmental Protection Hearing Request and Permit Appeal was adopted. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

**Unfinished business** – the Chairperson stated that with Ms. Spango leaving the Board he is making the following Committee appointments: Operating, Mr. Bomgaars as Chair and Mr. Cirilo a member; Public Relations, Mr. Bomgaars as a member.

**New business** – It was the consensus of the Board that Joint Meeting submit an application for the Governor’s Environmental Award again this year.

There being no further business on motion by Mr. Green, seconded by Mayor Florio, the meeting then adjourned to meet again on Thursday, September 20, 2012, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Green, Rice, Levison, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

Respectfully submitted,

Theodore Green  
Vice Chairperson/Secretary