

## Meeting of October 18, 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, McDermott, Rice, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal. Ms. Torres arrived at 4:05 p.m. and Mr. Cirilo arrived at 4:10 p.m. during Executive Session. Mr. Levison notified the office that he would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Terrezza, Sforza, Dowhan, Barry, Phillips 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), AVA Consulting LLC (AVA), Global Logistics Group (GLG), A. Adjepong of Public Works Management LLC (PWM), Consultants for the City of Newark and Jason Holt, Esq. of East Orange.

It now being 4:05 p.m. Ms. Torres arrived.

The Chairperson led the pledge of allegiance.

The Chairperson read the following statement which on motion by Mr. Green, seconded by Mayor Florio, was received and ordered printed. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Ms. Garretson, Jones, 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 on motion by Ms. Garretson, seconded by Mr. Bomgaars, the minutes of the last meeting were approved as printed. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

The **Treasurer's Reports** having been mailed to the Board members, on motion by Mr. Bomgaars, seconded by Ms. Jones, was received and ordered printed. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; 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: award of contract for furnishing and delivering Bulk Dry Polymer to Polydyne Inc. (R-067), award of contract for furnishing and delivering 15% Sodium Hypochlorite to JCI Jones Chemicals Inc. (R-068), purchase order for One Reliance 300HP Design A Motor to Precision Electric Motor Works, Inc. (R-069) and amendment to Zinn

Graves & Field Inc. contract for Public Relations Services (R-070).

On motion by Ms. Leventhal, seconded by Mr. Cirilo, Resolution 067, authorization awarding a Contract for Furnishing and Delivering Bulk Dry Polymer to Polydyne Inc. was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

On motion by Mr. Bomgaars, seconded by Mr. Cirilo, Resolution 068, authorization awarding a Contract for Furnishing and Delivering 15% Sodium Hypochlorite to JCI Jones Chemicals Inc. was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

On motion by Ms. Leventhal, seconded by Ms. Torres, Resolution 069, authorization of a Purchase Order to Precision Electric Motor Works, Inc. for One Reliance 300 HP Design A Motor was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

On motion by Ms. Leventhal, seconded by Ms. Jones, Resolution 070, authorization of Amendment to Contract with Zinn Graves & Field Inc. for Public Relations Services was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

Copies of the proposed 2013 budget were distributed to the members for their review so that at the November meeting the budget can be adopted. If there are any questions the office should be contacted.

The Director of Administration and Finance and CME explained that the 2013 budget reflects a 17% increase over 2012 due to the ongoing litigation. However in June approval was given by the Board to re-categorize \$1,250,000.00 from the O&M capital fund, \$2,850,000.00 from the Capital Improvement Fund and \$300,000.00 from the 2012 budget for an adjusted grand total of \$4,400,000.00 to the legal budget. With doing all that the increase from 2012 to 2013 may be considered 5.8% which shows everything in the Budget. However, there are items that can be considered out of the 2% cap such as legal fees which would put us below the 2%. In addition the miscellaneous income will offset the 5.8%.

In answer to a question as to how the amount of \$2,700,000.00 for legal fees was determined for 2013 the Director of Administration and Finance and CME explained that as discussed in Executive Session by Counsel Hartwyk, if everything goes back to normal we're estimating \$200,000.00 per month. If it doesn't go back to normal then it is in the budget and at the end of 2013 we will go back to offset the Capital. The timing is such that it has to be budgeted now in order to make it available.

In answer to a question as to whether any major capital improvements are being put on hold because of this CME explained that any capital improvement that had already been approved by the Board is going forward. However, those shown in the 10 year capital improvement plan are on hold. This was a decision made by the Board due to the extensive cost of the litigation. If that wasn't done we would have had an unanticipated assessment.

In answer to a question about the rebates it was explained that the litigation costs will affect that and in all likelihood there will not be a rebate this year.

The Executive Director explained that this information has not yet been distributed to the full Board but will be distributed shortly so the members will have the information before action is taken on the Budget in November.

In answer to a question on the methodology used for the assessments and if a municipality loses an industry that contributes thousand of gallons of wastewater it counts as one (1) unit CME explained that the calculations are based upon what it costs for a year to operate the facility, then the flow from Elizabeth is calculated and subtracted from that. What remains is divided by the total number of equivalent dwelling units certified by each municipality. An industry does not equal one (1) unit; it may be equal to 2,000 units. Industries have flow meters and there are samples for the strength and quantity of material discharged which is given to the municipalities who then decide what they are going to charge the industry. The Joint Meeting does not charge anyone but the eleven member municipalities.

In answer to the question as to how Trinitas Hospital in Elizabeth is charged CME explained that Elizabeth is charged by meter flow rather than a bed count. Since flow meters can vary anywhere from 5% to 10% plus or minus those variations widely vary when adding up 37 meters.

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

The correspondence will be printed in the minutes.

AVA explained that the refund to Elizabeth is required by 1981 agreement with them that they get an adjustment of their quarterly assessment and either pay additional money or get a refund.

The Executive Director stated that not all of the municipalities have responded to the October 5<sup>th</sup> letter sent to all the Mayors regarding the Spill Amendment Act requesting support for this act by having the respective Councils draft a resolution.

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 Mayor Florio, seconded by Mr. McDermott, Resolution 066, approving payment of bills was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

**New business:** Leagues of Municipalities/AEA will be held in Atlantic City November 13<sup>th</sup> to November 16<sup>th</sup>.

There being no further business on motion by Mr. Green, seconded by Ms. Leventhal, the meeting then adjourned to meet again on Thursday, November 8, 2012, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Green, McDermott, Rice, Bomgaars, Florio, Cirilo, Ms. Garretson, Jones, Leventhal and Torres; nays, none.

Respectfully submitted,

Theodore Green  
Vice Chairperson/Secretary