

Meeting of September 19, 2013 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:05 p.m. Vice-Chairperson Green 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, McDermott, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal. Mr. Rice arrived at 4:15 p.m. Ms. Spango had notified the office that she would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Terrezza, Dowhan, Sforza, Barry, Phillips 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 Vice-Chairperson led the pledge of allegiance.

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

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

It now being 4:15 p.m. Chairperson Rice arrived.

On motion by Mr. Green, seconded by Mr. Florio, Resolution 068, amending CME Associates' Contract for General Engineering Services was adopted. On roll call; ayes, Messrs. Green, McDermott, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

The Director of Administration and Finance explained that if the Board approves Powell Capital Markets Inc. as the financial advisor in connection with the NJEIT (Trust) program, they will work with the 8 municipalities, who elected to participate in the Trust and Bond Counsel to insure that everything is done correctly. Powell will bill each of the 8 municipalities directly.

On motion by Mr. McDermott, seconded by Mr. Green, Resolution 069, retaining Powell Capital Markets Inc. as Financial Advisor in connection with the New Jersey Environmental Infrastructure Trust Financing Program (Trust) was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

CME Associates explained that the project for cleaning up the sludge will remove articles such as plastic, rubber particles, rags and hair. Things that do not get decomposed in the digesters but gets mixed into the soil and eventually moves away from the soil and leaves a residual. Removing the particles makes the sludge better for marketing for land application for beneficial reuse. The former Powerhouse Facility will be renovated and used for this project.

On motion by Ms. Jones, seconded by Mr. Bomgaars, Resolution 070, awarding a contract to CME Associates for Professional Engineering Services for Design Phase Services for Digested Sludge Conditioning was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

CME Associates explained that a few weeks ago a pre-draft permit was received from DEP making Joint Meeting responsible for CSO's. Although Joint Meeting does not own any CSO's the permit would impose upon Joint Meeting certain requirements since Joint Meeting is hydraulically connected to the City of Elizabeth who owns approximately 29 CSO's. Some requirements are due within a year, others within 3 years but ultimately over a period of years Joint Meeting will have to assist Elizabeth to remove or treat what would normally be discharged as a bypass into the Elizabeth River and the Arthur Kill.

Since CDM has been Joint Meeting's Collection System engineer they were requested to prepare a proposal for that aspect of the project. At the October meeting a proposal is anticipated from CME since the same permit is being used to incorporate CSO verbiage and changes were made to the Treatment Plant permit further review is needed. However, since the actual draft has not been received yet CME's proposal has been deferred. Once the actual draft is published Joint Meeting has thirty (30) days to respond to the suggested changes which will have to be reviewed and detailed as to why we disagree with certain items. Coincidentally, over the years Joint Meeting presented its case before DEP and the Administrative Law Judge so that many of the changes that needed to be taken care of in the permit have already been done. However, there are some new issues being brought up in order for DEP to comply with EPA's requirements of both the CSO's and the combined effluent with storm water and different protocols they are trying to clean up. Since this is the beginning of a long drawn out situation, CDM will be needed to assist in the review and public participation process and is requesting \$33,000.00 to do this work.

The City of Elizabeth is also being issued a permit coordinated with Joint Meeting's. However, at the first meeting of the pre-draft permit it was apparent that Elizabeth was not aware of the traumatic impact this is going to have on them.

On motion by Mr. Bomgaars, seconded by Ms. Jones, Resolution 071, awarding a contract to CDM Smith Inc. for Professional Engineering Services for NJPDES Permit Review was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Mr. Casais seconded by Ms. Leventhal, Resolution 072, receipt of bids for the Rebuilding and Reconditioning of one (1) Sludge Dewatering Centrifuge was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Mr. McDermott, seconded by Mr. Casais, Resolution 073, requests for Proposal for Bond Counsel Services was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal, none.

With regard to the receipt of bids for the removal of Siloxane the Superintendent explained that Siloxane must be removed from the Digester Gas to prevent excessive wear of the internal engine components.

On motion by Ms. Leventhal, seconded by Mr. McDermott, Resolution 074, receipt of bids of Various Services, Equipment and Materials was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

Following a thorough discussion on awarding contracts to the lowest responsible bidder and the change orders that usually occur it was the consensus of the Board that periodically a spreadsheet be provided, at the discretion of staff who keep track of the various projects, to the Board showing a comparison of the original bids plus any change orders which will then show the current cost compared to the awarded cost.

On motion by Mr. McDermott, seconded by Mr. Florio, Resolution 075, awarding a contract to MBE Mark III Electric, Inc. for Primary Tunnel Electrical Modifications was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

With regard to Resolution 076, the Superintendent explained that periodically there is a foam problem which is generated by a micro-organism in our biological treatment system and Sodium Hypochlorite is used to keep it under control. This year, due to certain situations and environmental conditions, the organism became more dominant necessitating the use of more hypochlorite. Hypochlorite is also used for disinfection which is one of our effluent parameters for bacteria, fecal coliform and for odor control.

In answer to a question as to whether the organism is immune to the chemical used, CME explained that it's not so much immune but it seems to be a bit more robust after certain environmental conditions such as Hurricane Sandy when there was an influx of ground water. Also, the organism exists in the digester necessitating the removal of certain things in order to keep the foam from overflowing the walls. Perhaps the chlorine should have been added for a longer period of time, however, that could have possibly jeopardized the overall treatment plant efficiency.

On motion by Mr. Casais, seconded by Ms. Garretson, Resolution 076, amending JCI Jones Chemicals' contract for Furnishing and Delivering 15% Sodium Hypochlorite was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Mr. Florio, seconded by Mr. Bomgaars, Resolution 077, authorizing the purchase of Energy Generation Services for Public Use through an Online Auction Website was adopted. On roll call; ayes, Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

Following a discussion on the possibility of looking into purchasing a hybrid vehicle, on motion by Ms. Garretson, seconded by Mr. Levison, Resolution 078, authorizing the purchase of a 2014 Chevrolet Impala Limited 4 Door Sedan under State Contract No. 83036 was deferred. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

Zinn Graves and Field gave the following litigation update: they have terminated their relationship with the lobbying firm of Impact NJ; per Cullen McAuliff the Senate and Assembly Bills probably will not be voted on until the Assembly Speaker is determined in January 2014; a draft Q&A form has been written about the settlement versus the legislation and will be sent to the Mayors, League of Municipalities, Legislators, Media and will be posted on Face book and the Website.

In answer to a question on hiring outside agencies, Counsel Webster explained that Joint Meeting was desirous of a lobbying effort in which the Board had been advised of in various meetings and reports. Zinn Graves & Field's contract has a provision that allowed them to hire Impact NJ for lobbying.

A discussion was held on resolution 079 regarding that it is not clearly explained how their billing request went from \$20,000.00 to \$81,000.00 and there is no mention of Impact NJ. Also, their outstanding bills were not paid due to the amounts already expended.

On motion by Mr. Levison, seconded by Ms. Garretson, Resolution 079, authorizing Amendment to Contract with Zinn Graves & Field Inc. for Public Relations Services was tabled. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

A discussion was held on updating the By-Laws allowing the Executive Director a limit for expenditures not to exceed \$17,500.00 or the current Statutory Bid Limit. By Statute anything over that amount still has to come before the Board for approval. With updating the By-Laws we will be matching Joint Meeting's By-Laws with the Statute.

On motion by Mr. Casais, seconded by Ms. Levison, Resolution 080, authorizing Amendment to the By-Laws was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

With regard to Resolution 081 CME explained that approximately 3 years ago the City of Elizabeth wanted to perform repair services on a 42 inch sewer line in Elmora Avenue where Joint Meeting has a brick line square sewer which Elizabeth was going to cross. Joint Meeting agreed to split the cost with Elizabeth to put in a C-I-P-P (Cured In Place Pipe) liner in order to protect it during construction. However, after the agreement was made, Joint Meeting insisted they remove the existing brick chimney and install equipment that would make it more secure. Their consultant disagreed and since Joint Meeting insisted it be done because we felt more comfortable with a cast in place we agreed to pay for the additional cost.

On motion by Ms. Leventhal, seconded by Mr. McDermott, Resolution 081, reimbursement of Expenses to the City of Elizabeth for Costs Associated with Rehabilitation of a Portion of Sewer Pipeline was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Bomgaars, Resolution 082, authorizing Execution of a Settlement Agreement with Maplewood Beverage Packers, LLC Settling Administrative Penalty Assessments for Certain Pre-Treatment Violations was adopted. On roll call; ayes, Messrs. Green, Rice, Casais, Levison, Bomgaars, Florio, Ms. Garretson, Jones and Leventhal; nays, none. Mr. McDermott recused himself.

A meeting of the Finance and Budget Committee will be held on Wednesday, October 16th at the Maplewood Municipal Building at 9:00 a.m.

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

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

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.

The Executive Director stated that yesterday Joint Meeting hosted 13 Japanese representatives from the environmental field including an interpreter. The Superintendent and CME did an extraordinary job of discussing our operations and what was done to minimize the damages during Hurricane Sandy which they were especially interested in.

The Superintendent stated that they were very interested in our Co-Generation Facility because although we lost PSE&G power for a few days during Sandy we ran off our own Co-Gen Facility. CME spoke about a possible measure we are looking at which is to avoid flooding in the future.

CME stated that these representatives were commissioned by the Government of Japan to study the effects of the Tsunami and Fukushima Nuclear Power Plant disaster. They were gathering information as to other areas of remediation that other facilities were undertaking.

It now being 5:25 Ms. Garretson had to leave.

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

Upon reconvening on motion by Mr. McDermott, seconded by Mr. Green, Resolution 079, amending contract with Zinn Graves & Field Inc. for Public Relations Services was tabled. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Jones and Leventhal; nays, none.

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

On motion by Mr. Casais, seconded by Mr. Green, Resolution 067, Assessment for the Fourth Quarter of 2013 was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Jones and Leventhal; nays, none.

On motion by Ms. Leventhal, seconded by Ms. Jones, Resolution 083, Appreciation to Victor Cirilo was adopted. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Jones and Leventhal; nays, none.

New business – Ms. Leventhal suggested that perhaps we could go more electronic in addition to getting the current packets.

There being no further business on motion by Ms. Jones, seconded by Mr. Green, the meeting then adjourned to meet again on Thursday, October 17, 2013, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Green, McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Jones and Leventhal; nays, none.

Respectfully submitted,

Theodore R. Green
Secretary