

**Meeting of December 15, 2011**  
**Maintenance**

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:00 p.m. Chairperson Leventhal 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 17, 2010.

On roll call the following members were present: Messrs. Brewer, McDermott, Rice, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango. Mayor Accardi arrived at 4:10 p.m. and Mr. Green notified the office that he would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Terrezza, Sforza, Barry, Dowhan, Phillips and Berkeley, Esq. of Joint Meeting; E. Webster and J. Nobel Esq. of Trenk, DiPasquale et al., Joint Meeting's Consultants CME Associates (CME), Birdsall Services Group (Birdsall), AVA Consulting LLC (AVA), Government Strategy Group (GSG) and Mr. A. Adjepong of Public Works Management LLC (PWM), Consultants for the City of Newark.

The Chairperson led the pledge of allegiance.

On motion by Mr. Rice, seconded by Ms. Jones, the minutes of the last meeting was approved as printed. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

The **Treasurer's Report** having been mailed to the Board members, on motion by Mr. Brewer, seconded by Mr. Rice, was received and ordered printed. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

**Personnel & Procurement Committee:** Mr. Rice stated that the Committee had met, discussed and recommends authorization of the following: RFQ's for Professional Services (R-092); amendment to Birdsall Services Group for Construction Administration for Service Water System Upgrades (R-093); award of a contract to Birdsall Services Group for Mediation Support related to the Service Water System Upgrades (R-094); award of a contract to CME Associates for O&M Consulting and General Engineering Services (R-095); receipt of bids for Various Services, Equipment and Materials for Digester No. 2 Cleaning and Modifications and Digester Gas Treatment Upgrades (R-096); award of a contract to Moyno, Inc. for providing One High Solids Dewatered Sludge Progressive Cavity Pump (R-097) and the Annual State Contract Purchases (R-098).

On motion by Mr. Madden, seconded by Ms. Jones, Resolution 092, approving the Qualifications for Various Professional Services and Extraordinary Unspecifiable Service Firms was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

It now being 4:10 p.m. Mayor Accardi arrived.

On motion by Mr. Brewer, seconded by Mr. McDermott, Resolution 095, reappointing CME Associates for Engineering Services was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Rice, seconded by Mr. Levison, Resolution 096, authorizing the Procurement by Public Bidding of Various Services, Equipment and Materials was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Madden, seconded by Mr. Brewer, Resolution 097, awarding a Contract for Providing One High Solids Dewatered Sludge Progressive Cavity Pump to Moyno, Inc was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Rice, seconded by Mr. Madden, Resolution 098, authorizing State Contract Purchases was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

The Executive Director read the following statement which on motion by Mr. Rice, seconded by Mr. Brewer, was received and ordered printed. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; 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 Mayor Florio, seconded by Mr. Brewer, Resolution 093, authorizing Amendment to Contract with Birdsall Services Group for Construction Administration for Service Water System Upgrades was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mayor Florio, seconded by Mr. Brewer, Resolution 094, awarding a contract to Birdsall Services Group for Additional Professional Engineering Services for Mediation Support related to the Service Water system Upgrade Project was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

**Capital Improvement Plan:** the following update was given by CME Associates, AVA Consultants and Joint Meeting's Director of Administration and Finance, meetings were held to review and discuss various possibilities, if any, and whether there could be any ramifications if the assessment was extended for 18 or 24 months.

It should be noted that breakdowns are being experienced since much of the equipment is over 40 years old. In addition, EPA and DEP are putting together changes that will be required to reduce nutrients in Joint Meeting's effluent. It is expected that Joint Meeting will be in a better position to respond to the requirements when their Permit is up for renewal in 2015.

Also, the Counties and Municipalities in Virginia, where Joint Meeting's treated sludge is land applied, are showing some concern. Activists are looking very closely at the material and although the material is a very good quality, there are particles of plastics that are not broken down in the process. If this becomes an issue and in order to reduce the exposure to any possible liability it would be beneficial for Joint Meeting to install additional appliances that will remove the small bits of plastic.

With an 18 month extension only the construction portion of the Plan is impacted because it is being proposed that some funds be moved into the Capital Plan which will enable the continuation of the development of Plan, the engineering design and hopefully in 6 months continue with the construction. However, if the extension is for 24 months there is the potential problem that Joint Meeting could fall into liability traps by not being prepared to respond to breakdowns to: 1) major portions of Joint Meeting facilities, and 2) the potential exposure to demonstrations against the land application of Joint Meeting's material which would impede Joint Meeting's ability to move it offsite.

In order to go with an 18 month extension it is being proposed and authorization is being requested to move funds from the P.A. Land Purchase and the Sludge Dryer accounts and to allow the use of undesignated funds from the Capital account. By utilizing these funds, Joint Meeting can move forward with the Capital Improvement Plan with the assessments not being due until 2014. This has been discussed with Joint Meeting's auditor, Suplee, Clooney, and they have sent a letter that the funds could be transferred.

Following a thorough discussion, on motion by Mr. Brewer, seconded by Mayor Florio, Resolution 101, authorizing the transfer of funds together with the letter from Suplee Clooney and the Capital Improvement Plan Draft with assessment in August 2014 was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Levison, seconded by Ms. Jones, the **Treatment Plant, Industrial Pretreatment and the 2012 Annual Assessment Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Mr. Rice, **Counsel Report, Conflict Counsel Report and the Engineer's Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

The Executive Director stated that unfortunately this is Mr. Brewer's last meeting and on behalf of the Board presented him with a plaque.

Mr. Brewer thanked the Board and stated that he has enjoyed being on the Board. It has been a great learning experience.

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. Brewer, seconded by Mr. McDermott, Resolution 089, Payment of Bills was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Rice, seconded by Levison, Resolution 090, 2012 First Quarter Assessment was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Madden, seconded by Mr. Rice, Resolution 091, Annual Meeting Notice was adopted. On roll call; ayes, Messrs. Brewer, McDermott, rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Rice, seconded by Ms. Jones, Resolution 099, authorizing a pay increase for Applicable Non-Union Employee was adopted. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

With regard to Resolution 100, authorizing a pay increase for Applicable Board Members no action was taken.

**New business:** CME Associates gave the following update on the New Jersey Harbor Discharge Group. The Commissioner of DEP received a letter from EPA that they are concerned that New Jersey has not yet developed the total maximum daily loads for nutrients in the harbor in order to improve oxygen levels and that they (EPA) expect the limits to be established within the next year. Joint Meeting and 9 other authorities comprised The Harbor Dischargers Group and a significant amount of money has been expended over the past 20 years on this. Some of the data gathered by the Harbor Group conflicts with the data that EPA models have developed. They're basing their decisions on computer models and the Harbor Dischargers Group has actual data that disputes what they have developed. However, EPA and DEP is still going to required that TMBL's be done which collectively, is going to cost approximately \$500,000.00 over the next two (2) years for additional analysis and information to present to them. It should also be noted, that about 3 years ago the Harbor Dischargers Group had a study done to calculate the cost if we had to respond to all the changes that they are demanding or appear to be demanding. The study showed that by 2019 Joint Meeting would have to expend approximately \$631,000,000.00.

Several years ago, the New Jersey Combined Sewer Overflow Group (NJCSOG) was formed and just recently Joint Meeting and the City of Elizabeth were invited to join because of Elizabeth's

Combined Sewer System. Our concern is that EPA will issue a letter authorized under the Clean Water Act, Section 308, in which they can demand the production of documents and records for whatever period of time they designate. This could be a very costly and timely endeavor. Also, even if we did all the improvements they want it might only improve the water quality 3 days out of 300 days. In the New York/New Jersey Harbor area the cost could be approximately 6 billion dollars. When PVSC responded it cost them approximately \$225,000.00 and took a year to satisfy the request.

Counsel Webster stated that the model says that the water is more polluted than the actual studies stated. Therefore, we are arguing that the water quality is satisfactory and that the amount of money they are asking us to spend does not make any material change.

Counsel Webster stated that a bill has been introduced by Senator Robert Smith requiring public notification of any surcharges. Surcharges are experienced during heavy rainfall and DEP is already provided notice by Joint Meeting if such an occurrence happens. It would be a very expensive proposition.

The Chairperson stated that this is not favored by the League of Municipalities. She suggested that perhaps Joint Meeting could send a letter stating our objections.

Counsel Webster stated that his office can generate a draft letter and in January, if the Board desires, they can take action on it.

On behalf of the Board the Executive Director thanked Joint Meeting's professional consultants and staff for their diligent work on extending the Capital Improvement Plan.

In addition, on behalf of the non-union employees the Executive Director thanked the Board for the 2% increase.

The Executive Director wished everyone a safe and Happy Holiday.

Mr. Madden stated that today is also his last meeting as a Board member. He further stated that it has been a privilege being on the Board and has enjoyed working with the members. He feels that Joint Meeting is one of the finest professional organizations that he has ever seen put together and commends the members and staff.

There being no further business on motion by Ms. Jones, seconded by Mr. Brewer, the meeting then adjourned to meet again on Thursday, January 19, 2012, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Brewer, McDermott, Rice, Accardi, Levison, Madden, Florio, Ms. Jones, Leventhal and Spango; nays, none.

Respectfully submitted,

Edward A. Brewer  
Vice Chairperson/Secretary