

Meeting of December 17, 2015 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:50 p.m. Chairperson Florio 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 and maintaining the annual notice of the regular meetings of the Joint Meeting on the bulletin board of the Maplewood Municipal Building; by mailing the annual notice of the regular meetings for 2015 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' Office of the Counties of Essex and Union, all on December 29, 2014.

On roll call the following members were present: Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins.

Also in attendance were Messrs. McGhee, Dowhan, Terrezza, Phillips, Barry, Berkeley, Esq. and Ms. DeFrancis of Joint Meeting; E. Webster and J. Noble Esq., Inglesino, Webster, Wyciskala & Taylor, LLC; Joint Meeting's Consultants CME Associates (CME), AVA Consulting LLC (AVA), Global Logistics Group (GLG) and Ms. Tammeisha Smith of Alamo Insurance Group.

The Chairperson led the pledge of allegiance.

On motion by Ms. Chaneyfield-Jenkins, seconded by Ms. Burgess, the minutes of the last meeting were approved as printed. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Chaneyfield-Jenkins, seconded by Mr. Hughes, the **Treasurer's Report** having been mailed to the Board members was received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; 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: Final Settling Tank No. 2 Drive – CME Associates (R-119); Receipt of Bids various services, Equipment and Materials (R-120), Rejecting all Bids submitted for Furnishing and Delivering Laboratory Supplies, Chemicals and Equipment (R-121); Purchase Order for furnishing and delivering one (1) Skid Steer Loader (R-122); Purchase Order for furnishing and delivering Sag Media; (R-123); Change Order #7 Primary Tunnel Electrical Modifications- MBE (R-124); Change Order #1 Digester No. 1 Cover Painting – Spectraserv (R-125) and Annual State Purchasing Contracts (R-126).

With regards to Resolution 116, RFQ's/RFP's Professional Services; Resolution 117, Engineering Services and Resolution 118, Special Engineering Services, Ms. Leventhal explained that in January the Board was given a list from our Administration of 14 committee that reviews the RFQ's that have come back from the different professional groups to determine their eligibility to work for Joint Meeting. That list is presented in Resolution 116. The Committee raised the question as to what the process is, what the criteria is, what the rating system is and noted that the Committee does not have information on everybody that applied and those that applied that where not qualified. The list presented is of qualified companies based on the Administration's Committee. An in depth very detailed discussion was held by the P&P Committee. However, generally the P&P Committee was saying that

they did not consider the process opened enough for them to make a recommendation to the Board as to approving these companies in all these different categories. The recommendation after much discussion that the Committee came up with is that the P&P Committee will meet this coming Monday at 4:00 p.m. with two (2) Administrators from Joint Meeting, one (1) on the Committee and one (1) privy to the Committee's discussion. If each member wants they should look over the RFQ's that were returned and then look at the criteria and how they were rated by the four (4) individuals on the group. The criteria is experience, knowledge of Joint Meeting and expert subject matter, availability and miscellaneous. There is a math system within that. We would then come away from that meeting with our recommendation for the January meeting to bring back these three (3) resolutions. The one (1) that would approve the qualified list of professional vendors in each of the categories and then look specifically at engineering and special engineering which needs to be designated in January. All contracts that were decided on last January (2015) are not over until the end of January (2016). We're working very quickly on this and meeting Monday because three of the P&P Committee members will not be on the Board in January. However, we will be discussing this with our new representatives and Ms. Chaneyfield-Jenkins will be here and she can speak very much to this. She was the first to raise the concern on this. That's what the Committee saw as an issue and it is how the Committee wants to proceed. If anyone from the P&P Committee wants to add to that they can do so at this time.

Ms. Chaneyfield-Jenkins stated that she wanted the criteria because the Board members are representatives of their respective municipality and the P&P Committee should be the first line of looking at RFP's and working with the administration to make the decision as to which contracts or RFP's or RFQ's are received and that we thoroughly look at how the criteria is set and even if someone is not selected, their bid should still be included in the process and notification should be given to all representatives of each municipality.

Mr. McTernan stated that he thought of it as a two (2) step process. What is going to be done on Monday is to be clear is to confirm or change, one way or the other, the list of firms that are going to be included in Resolution 116. Then, subsequently, there will be votes available to actually choose the individual counsel or engineering services that would come up, mostly, in January. Basically, all of the professional services agreements would be voted on at the January meeting versus just two (2) tonight and the other six (6) in January. All eight (8) would be voted on at the January meeting.

The Chairperson stated that there is always the concern with new Board members coming on and suggested that the members leaving the Board should discuss the situation with their successors and perhaps give their recommendation to them since they have the knowledge of what has transpired.

Ms. Leventhal stated that Maplewood's counsel will be at the meeting on Monday.

Mr. Cirilo stated that he appreciates the process being explained to him as he had a hard time understanding how the rating factor worked. He was not clear as to why there was only one (1) vendor that was listed and in some of the other categories there were more vendors listed. This was a learning experience for him as he wanted to be clear as to how the process worked and wants to thank the P&P Committee for their due diligence and going on to the next step to make sure that we have a system that is tight. He had several vendors, that he had done business with, call him saying that they submitted their RFP's and it's his understanding that it's not coming up to the Committee. That then started questions in his mind but now he understands that there is an internally rating factor that has a threshold and once that threshold is met then it is put on the agenda for consideration by the P&P Committee. That was explained to him and he is glad that we are going to be reviewing the other vendors to be sure that the rating factor is accurate and it meets the requirements of Joint Meeting.

Counsel Webster stated that as he has not had the chance to review the contract for engineering or special engineering services so he does not know if there is a provision in the contracts for a hold over. Therefore, if possible, he would like have an amendment saying that the present contracts will stay in place until the January meeting when the new contracts will be voted on.

On motion by Mr. Levison, seconded by Mr. McTernan, Resolution 116, Approving the Qualifications for Various Professional Services and Extraordinary Unspecifiable Service Firms was tabled until the January 21, 2016 meeting. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. Hughes, seconded by Mr. McTernan, Resolution 117, awarding a contract for Engineering Services was tabled and also to extend the existing Engineering Services contract until the January 21, 2016 meeting. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Saxton, seconded by Ms. Chaneyfield-Jenkins, Resolution 118, awarding a Contract for Special Engineering Services was tabled and also to extend the existing Special Engineering Services contract until the January 21, 2016 meeting. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Chaneyfield-Jenkins, seconded by Ms. Leventhal, Resolution 119, awarding Contract to CME Associates for Professional Engineering Services was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

The Plant Superintendent explained that the five (5) items are scopes of work planned for 2016 which are essential for the operation and maintenance of the facility. There are storage tanks that need cleaning, we are replacing a high voltage electrical feeder and digester screen equipment which is being purchased to screen the sludge. At the last meeting it was brought to the attention of the Board about the Final Settling Tank No. 2 Drive that this is a significant failure and we declared an emergency. Once we get the cost we'll do an emergency procurement for the drive.

On motion by Mr. Levison, seconded by Ms. Burgess, Resolution 120, authorizing Procurement by Public Bidding of Various Services, Equipment and Materials was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. McTernan, seconded by Mr. Cirilo, Resolution 121, Rejecting All Bids Submitted for Furnishing and Delivering Laboratory Supplies, Chemicals and Equipment was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Leventhal, seconded by Ms. Chaneyfield-Jenkins, Resolution 122, authorizing a Purchase Order to Bobcat of Central Jersey for Furnishing and Delivering One (1) Skid Steer Loader was approved. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. Levison, seconded by Mr. Hughes, Resolution 123, authorizing a Purchase Order to Carbon Activated Corp. for Sag Media Supply, Removal, Disposal and Reloading of Vessel was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Ms. Burgess, seconded by Ms. Leventhal, Resolution 124 authorizing Change

Order No. 7 to the Contract with MBE Mark III Electric, Inc. for Primary Tunnel Electrical Modifications was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Mr. McTernan, seconded by Ms. Leventhal, Resolution 125, authorizing Change Order #1 In Excess of 20% for Contract with Spectraserv, Inc. for Digester No. 1 Cleaning and Modifications was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Mr. Hughes, seconded by Mr. Cirilo, Resolution 126, authorizing State Contract Purchases was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Ms. Saxton, seconded by Mr. Hughes, Resolution 113, Approval of Payment of Bills was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Ms. Saxton, seconded by Mr. Levison, Resolution 114, Estimating the Probable Cost and Expense of Maintaining and Operating The Joint Meeting and Making the First Quarter of 2016 Assessment was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal, nays, none. Ms. Chaneyfield-Jenkins was out of the room.

On motion by Mr. McTernan, seconded by Ms. Burgess, Resolution 127, appreciation to Lonnie P. Hughes, Resolution 128, appreciation to Solonia Saxton and Resolution 129, appreciation to Kathleen M. Leventhal were received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess and Leventhal; nays, none. Ms. Chaneyfield-Jenkins was out of the room.

The Executive Director stated that Ms. Leventhal has been a dedicated Board member and has served for ten (10) years. Also, Mr. McTernan has informed him that this is his last meeting and a resolution of appreciation will be prepared and presented to him at the January meeting.

On motion by Mr. Cirilo, seconded by Mr. Levison, Resolution 115, Annual Notice of Meetings was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Chaneyfield-Jenkins, seconded by Mr. Hughes, Resolution 130, authorizing a Pay Increase for Applicable Non-Union Employees was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Chaneyfield-Jenkins, seconded by Ms. Saxton, Resolution 131, authorizing a Pay Increase for Applicable Board Members was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Florio, Cirilo, Ms. Saxton, Burgess, and Chaneyfield-Jenkins; nays, Messrs. Levison, McTernan and Ms. Leventhal.

With regard to a question on the Assessment Report as to the difference between how the member municipalities and Elizabeth are billed, AVA Consultant explained that in 1979 and 1980 Elizabeth was supposed to pay based upon EDU's. Elizabeth felt that the way they were billed was unfair and refused to make full payments. Joint Meeting filed a lawsuit against them in 1980 and in 1981 a settlement agreement was reached and entered into by both parties. That the 1981 agreement is what

is driving the cost with Elizabeth which does not include EDU's. The last EDU's is the one (1) that was obtained during the EPA analysis which was back in 1978. Therefore, based on the contract agreement they are billed on a percentage based on Flow, Bod and TSS.

With regards to whether it is actually true that Elizabeth is treated the same as the member municipalities except for the fact that they can't vote, AVA Consultant explained that with the process they use for the assessment calculations, everyone pays on Flow, BOD and TSS and Elizabeth pays their fair share. The rest of the member municipalities distribution is split based on a percentage of the EDU's. If the Board decided, through contracts, that they wanted to distribute it based on another method then that would be used for the distribution process. The split between the members and Elizabeth is based purely on Flow, BOD and TSS. Then amongst the members, it's split on EDU's.

On motion by Mr. Levison, seconded by Ms. Chaneyfield-Jenkins, the **Treatment Plant, the Industrial Pretreatment and the 2016 Annual Assessment Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

With regard to a question on two (2) pieces of Legislation, Counsel Noble explained Bills S444 and A3880 which amended the Spill Act that Joint Meeting had been pursuing. Looking at the New Jersey Legislator's website it looks like the Bills are still in Committee. The Bills were referred to the Senate Budget and Appropriation Committee in October 2014 and has not moved since. Assembly Bill 3880 was introduced and referred to the Assembly Environment and Solid Waste Committee in November 2014 and nothing further since.

Counsel Noble stated that the other Bill S72, would require certain State oversight of budgets for Regional Sewerage Authorities was referred to the Senate Budget and Appropriation Committee in January 2015. Basically, the only thing about this Statute is it wouldn't actually apply to Joint Meeting because the point of the Bill is to give the Director of the Division of Local Government Services and the Governor, oversight over the budgets of Regional Sewerage Authorities that are created pursuant to the Sewerage Authorities Law and Joint Meeting was not created under the Sewerage Authorities Law. Joint Meeting was created under a different statute.

Counsel Webster stated that on January 13, 2016, arbitration is scheduled in Hackensack on the Elizabeth litigation.

On motion by Mr. Levison, seconded by Ms. Chaneyfield-Jenkins, **Counsel, Conflict Counsel (no report), Special Labor Counsel and Engineering Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

The Plant Superintendent stated that a meeting was held yesterday with about 12 representatives from FEMA, the New Jersey Office of Homeland Security and Preparedness and the New Jersey State Police. This relates to the damages that Joint Meeting suffered from Hurricane Sandy. A report was prepared about potential alternatives to prevent flooding and damage that was experience by Joint Meeting. We have corresponded with FEMA. In November we met with FEMA at their offices and following that, as mentioned, we met again at Joint Meeting. The reason being that there is a lot of money available. There is money available for the design and construction of the mediation measures that we've proposed. A few items discussed was the building of a concrete wall at the lower portions of the treatment plant and other areas have earthen berms which would be built up. In essence we would create a fish bowl. At the access points we would have flood gates which could be raised in the event of

another storm surge. The plant would be protected from flooding with that type of structure. Also discussed building additional pump stations because during high tides our flow, which flows out by gravity to the Arthur Kill can't get out because of the surge and because of the high tides. Hopefully, we can build a pump station on the effluent end of the plant to actually pump our treated effluent out. It was a very good and active discussion. The meeting was short, however, we walked the site so that they could actually see the areas. They took pictures and received better explanations from CME Associates as to what the concept involves. They are taking that back and they are going to decide whether or not an environmental assessment has to be performed before we can actually go to design and construction. In addition to that, CME Associates are preparing and finalizing a benefit cost analysis that also has to be submitted to FEMA in order for them to decide whether or not the project is eligible for funding. By all accounts it is. This is a very important step forward in our providing protection to the Joint Meeting Facilities for any future storms. The whole design is based on a 500 year storm.

The Executive Director stated that CME Associates had a chart that outlined the design and did an excellent job responding to inquiries and questions from the representatives in attendance. The feedback he's received is that they were very impressed with how Joint Meeting has been proactive in the past in term of making sure that we were able to service the eleven (11) municipalities and also Elizabeth. In addition they were very impressed with the Co-Generation Facility.

CME Associates stated that they were very impressed in what we were able to do and the fact that we stayed on-line when everyone around Joint Meeting had failed.

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 Chairperson wished everyone a Merry Christmas and a Happy New Year.

There being no further business on motion by Ms. Saxton, seconded by Mr. Florio, the meeting then adjourned to meet again on Thursday, January 21, 2016, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Hughes, Tillotson, Hokanson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

Respectfully submitted,

Howard Levison
Secretary