

Meeting of December 19, 2013 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:40 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 26, 2012.

On roll call the following members were present: Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango.

Also in attendance were Messrs. McGhee, Terrezza, 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) and Global Logistics Group (GLG).

The Chairperson led the pledge of allegiance.

On motion by Ms. Jones, seconded by Ms. Spango, the minutes of the last meeting were approved as printed. On roll call; ayes, Messrs. McDermott, Rice, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none; abstaining, Mayor Accardi.

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

Personnel & Procurement Committee: Ms. Leventhal, Chairperson of the Committee, stated that the Committee had met, discussed and recommends authorization of the following: RFQ's for Professional Services (R-110) deletion of the law firm of Weiner Lesniak LLP; reappointment of CME Associates for engineering services (R-111); RFP for Professional Engineering Services (R-112); Hall & Associates review of Draft NJPDES Permit Review (R-113); CDM Smith Inc. modification to the Millburn Crossing (R-114); receipt of bids for Non Bacterial Biological Enhancer for Anaerobic Digester Gas Production (R-115); bid reports for Furnishing and Delivering No. 2 Fuel Oil (R-116); Furnishing and Delivering Bulk Liquid Polymer (R-117); for Furnishing and Delivering Laboratory Supplies, Chemicals and Equipment (R-118); Furnishing and Delivering New Work Uniforms on a Rental Basis (R-119); negotiation of Contract for Equipment Rental and CCTV Inspection Services to the Trunkline Collection System on an "As Needed" Basis" (R-120); Purchase Orders for Change Out Service for Two (2) Carbon Adsorption Vessels (R-121); for Change Out Service for the Cogeneration Facility Iron Sponge Vessel (R-122) and Annual State Contract Purchases (R-123);

The Purchasing Agent stated that Resolution 110, Qualifications for Various Professional Services and Extraordinary Unspecifiable Services, was posted for approximately 1 to 2 ½ weeks on Joint Meeting's website listing each of the categories. A Committee was formed consisting of the Executive Director, Superintendent, Purchasing Agent and L. Berkeley Esq. (who did not participate on #2 for General Counsel) who reviewed all the RFQ's and RFP's received and deemed the firms that applied were qualified which means they are qualified to perform the duties in their specialties.

They have the ability and are qualified to do the work. With regard to the engineering portion of the Resolution there were two (2) different categories 1) RFQ's for General Services, and 2) RFP's for engineering services specific to various tasks which Joint Meeting requests be performed. All of the professional firms were approved by the Committee based upon the fact that they are knowledgeable and able to undertake the duties if awarded a contract, especially with the engineering services. However, there was no guarantee of any contract to any of the firms as that is a Board decision. Basically, what Resolution 110 shows is a listing of the qualified firms that applied.

Ms. Leventhal stated that in the resolution on page 1 the list of services goes up to 8 and on page 2 it goes up to 9 with the inclusion of Professional Engineering Services. She felt that the listing should be consistent.

Ms. Leventhal, Chairperson of the Personnel & Procurement Committee reported that with regard to Resolution 110, Qualifications for Various Professional Services and Extraordinary Unspecifiable Service Firms, the Committee's recommendation is that under item #2, General Counsel, the firm of Weiner Lesniak LLP be deleted from the list. The reason being that although the staff reviewed and qualified all the firms that submitted proposals based on the four (4) factors under the Whereas on top of page 2, especially #4 which says, and any other factors if demonstrated to be in the best interest of the Joint Meeting and its member municipalities means something different in the way staff would look at this rather than we as elected officials and Board members would view it. It was the consensus of the Committee that the law firm of Weiner Lesniak be deleted from the list based on the fact that Mr. Lesniak is an elected State Senator and that his role at that level could either be beneficial for Joint Meeting or detract from Joint Meeting's operations. There is also the possibility of a conflict of interest because of his political Senatorial position and his influence not only Statewide but in conjunction with municipalities and Joint Meeting. She is sure her colleagues on the Committee would either add or answer questions on this so it could be explored further before there is a final vote.

Mr. Bomgaars, a Committee Member, stated that the Committee felt it would be a conflict of interest to engage Senator Lesniak. A few years back when Corey Booker was elected Mayor of Newark he withdrew from the law firm he was with that represented Joint Meeting so there would be no potential of a conflict of interest.

Mr. McDermott asked what towns he represents that is on Joint Meeting.

The Executive Director stated that he does not represent Hillside.

Counsel Webster stated that he does as Senator.

Mr. McDermott stated that just that relationship alone is a conflict of interest.

Chairperson Rice stated that his issue was not about the work of Weiner Lesniak, his issue was of the potential conflict of interest with regard to Mr. Lesniak's position as an elected State Senator with the municipalities he represents as such. The State government is looking very closely at authorities and rightly or wrongly or without need or necessity it is a fact and so we have to be very careful of even the appearance of that and believes Joint Meeting is presently being served adequately. That's the issue for him and doesn't reflect on the work of any firm that may be applying.

In answer to Ms. Leventhal question as to whether Mr. McDermott was referring whether it was his law firm or he as a Senator as to which towns he may represent, Mr. McDermott stated that he was referring to his representation as a Senator.

Mr. Florio stated that Mr. Lesniak's firm does not represent Union and he doesn't believe Mr. Lesniak's firm represents Hillside, Roselle Park or Elizabeth so as a law firm they don't represent any of the towns but obviously as a State Senator he does.

Ms. Leventhal stated that in the past Joint Meeting has had law firms that worked with us and represented member municipality/municipalities members also. Do we need or want to go that far with this conflict of interest.

Ms. Jones stated that she believes what the Board members have stated as to their reasons is sufficient and should be left at that. We're not trying to find anything negative but these are things that basically were of concern to the Committee.

Ms. Leventhal stated yes, but something has come up since then.

Mr. McDermott stated that he does not think that is a debate for today. It could be a debate for another day as to whether the Board wants to make that a policy. It's a policy issue and requires a lot more discussion. This is a separate issue.

Ms. Leventhal stated that they've done that. This is a separate issue because it is with the State.

Chairperson Rice stated that we could return at a later date to discuss policy in general for the Board.

Ms. Leventhal stated that's the Committee's recommendation.

Ms. Jones made a motion to reject the law firm as recommended by the Committee.

On motion by Mr. Bomgaars, seconded by Mr. Levison, Resolution 110 is to be amended to remove the law firm of Weiner Lesniak LLP on the basis of conflict of interest and failing to meet Standard 4 of Resolution 110. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Levison, seconded by Ms. Jones, amended Resolution 110 approving the Qualifications for Various Professional Services and Extraordinary Unspecifiable Service Firms was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Ms. Leventhal, Resolution 111, Reappointing CME Associates for Engineering Services was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Bomgaars, Resolution 112, awarding a contract to AVA Consulting, for Professional Engineering Services was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Mr. Florio, Resolution 113, awarding a contract to Hall & Associates for Legal/Regulatory Assistance in Connection with the Draft NJPDES Permit Review was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. McDermott, seconded by Mr. Levison, Resolution 114, Amendment to Contract with CDM Smith Inc. for Professional Engineering Services for Modifications to the Millburn Crossing on the Rahway River East Branch was adopted. On roll call; ayes, Messrs. McDermott, Rice, Casais, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Florio, seconded by Ms. Leventhal, Resolution 115, authorizing the Procurement by Public Bidding of Various Services, Equipment and Materials was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Levison, Resolution 116, awarding a contract to Petroleum Traders Corp. for Furnishing and Delivering No. 2 Fuel Oil was adopted. On roll call;

ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Mr. Bomgaars, Resolution 117, awarding a contract to Polydyne Inc. for Furnishing and Delivering Bulk Liquid Polymer was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. McDermott, seconded by Ms. Leventhal, Resolution 118, awarding a contract to Fisher Scientific Company for Furnishing and Delivering Laboratory Supplies and Equipment was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Bomgaars, seconded by Mr. Florio, Resolution 119, awarding a contract to Clean Rental Services for Furnishing and Delivering New Work Uniforms on a Rental Basis was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Bomgaars, seconded by Mr. Levison, Resolution 120, authorizing Negotiation of a Contract for Cleaning Equipment Rental and CCTV Inspection Services to the Trunkline Collection System on an "As Needed" Basis was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Mr. Florio, Resolution 121, authorizing a Purchase Order to Nichem Corp. for Change out Service for Two (2) Carbon Adsorption Vessels was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Ms. Leventhal, Resolution 122, authoring a Purchase Order to Nichem Corp. for Change Out Service for The Co-Generation Facility Iron Sponge Vessel was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Mr. Bomgaars, Resolution 123, authorizing State Contract Purchases was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Spango, seconded by Ms. Jones, the **Treatment Plant, Industrial Pretreatment and the 2014 Annual Assessment Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Jones, seconded by Ms. Spango, **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. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Leventhal and Spango; nays, none.

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. Levison, seconded by Ms. Leventhal, Resolution 107, approving payment of bills was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Bomgaars, seconded by Mr. McDermott, Resolution 108, Estimating the Probable Cost and Expense of Maintaining and Operating the Joint Meeting and making the First Quarter of 2014 Assessment was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi,

Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Ms. Leventhal, seconded by Mr. Florio, Resolution 109, Annual Notice was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On motion by Mr. Florio, seconded by Ms. Leventhal, Resolution 124, authorizing a pay increase for Applicable Non-Union Employees was adopted. On roll call; ayes, Messrs. McDermott, Rice, Casais Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

With regard to Resolution 125, authorizing a Pay Increase for Applicable Board Members it was the consensus of the Board that no action be taken.

On motion by Ms. Jones, seconded by Mr. McDermott, Resolution 126, authorizing Application for a Loan from the New Jersey Environmental Infrastructure Financing Program was adopted. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

On behalf of the Board the Chairperson and Executive Director stated that as today is the last meeting for Messrs. McDermott and Bomgaars they would like to thank them for their knowledge, expertise and dedication which will be greatly missed as will they.

Messrs. McDermott and Bomgaars stated that they have enjoyed being a member of the Board, working with the various members over the years for the benefit of Joint Meeting and its member's municipalities and are impressed with the dedication of Joint Meeting's staff.

The Chairperson read the following statement which on motion by Ms. Leventhal, seconded by Ms. Jones, was received and ordered printed. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, 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 at a later date.

There being no further business on motion by Mr. Bomgaars, seconded by Mr. McDermott, the meeting then adjourned to meet again on Thursday, January 16, 2014, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. McDermott, Rice, Accardi, Levison, Bomgaars, Florio, Ms. Jones, Leventhal and Spango; nays, none.

Respectfully submitted,

Ronald C. Rice
Chairperson