

## **Meeting of February 16, 2017 Maintenance**

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:00 p.m. Chairperson Levison 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 2017 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 22, 2016.

On roll call the following members were present: Messrs. DeLuca, Levison, Sun, Florio, Guarino and Ms. Talmadge, Burgess and Eglow. Mr. Meola arrived at 4:05 p.m. Mr. DeAugustine and Ms. Chaneyfield Jenkins notified the office that they would be unable to attend today's meeting.

Also in attendance were Messrs. McGhee, Dowhan, Phillips, Berkeley, Esq. and Ms. DeFrancis of Joint Meeting; E. Webster and J. Noble Esq. of Inglesino, Webster, Wyciskala & Taylor, LLC, R. Rivera and C. Michelson Esq. of Scarinci Hollenbeck and Joint Meeting's Consultants CME Associates (CME), AVA Consulting LLC (AVA) and Global Logistics Group (GLG).

The Chairperson led the pledge of allegiance.

Mr. Burgess of CDM Smith gave the following update on the CSO (Combined Sewer Overflow) Permit: the permits issued to Joint Meeting in March 2015 and amended in October 2015 requires a long term control plan to be developed by June 2020 so it is basically a five (5) year program. During that period of time there are milestones at which reports have to be provided to the State of New Jersey (DEP). Three (3) are due July 1, 2018. One (1) of the three (3) is a fairly significant effort to characterize the interceptor sewer system that captures flow from Joint Meeting municipalities as well as flow from Elizabeth and delivers that flow to Joint Meeting's Treatment Plant. The City of Elizabeth also has to separately submit a characterization report for their combined sewer system, on the same schedule, which is in their permit.

It now being 4:05 p.m. Mr. Meola arrived.

Mr. Burgess continued explaining that the ability of that system to capture flow, particularly during wet weather and treat it at the plant needs to be characterized and requires a number of things including a computer model to be developed of the sewer system, an evaluation of the capacity of the plant needs to be developed, rainfall records need to be analyzed so we can characterize what constitutes a typical year which is later used for the planning the controls that are required, which will all be tied back to what happens in a typical rainfall year. These elements and characterizations need to be performed as part of the system characterization report. Joint Meeting has developed a model for use in developing their report and Elizabeth is independently developing a model for their characterization report. However, their focus will be more on their Combined Sewer System and Joint Meeting will focus more on the interceptors and the treatment plant. At the conclusion of the system characterization for Joint Meeting we will be about three (3) years into the five (5) year program.

Then the next step will be to develop alternatives for control and eventually a long term control plan. Those efforts will be done jointly by Joint Meeting and Elizabeth. Part of the reason being because it is a five (5) year program and not three (3) years because Joint Meeting was able to convince DEP that by working together we would have a longer schedule to develop the elements of the program.

Mr. Burgess explained that Joint Meeting's plant capacity is known but there is more sophisticated analysis that needs to look at things such as, what's the timing of the flow from the different sewer systems, because the way flow is generated in the separate sewer areas in Joint Meeting's system is very different than the flow from the combined sewer system of Elizabeth. There are differences in how timing of the peaks of those flows are generated, it's not a single flow, it's not a single number, basically you look at every wet weather event and it will start to peak up as the rainfall intensity increases and then it will start to drop off after the rainfall stops and how does the peak flows from Elizabeth combine with the peak flows from the member municipalities within the system, which is important in terms of what can be done for controls, how much capacity is available at the plant, what kinds of steps need to be taken to reduce the I/I (Inflow/Infiltration) components of flow that comes in from Joint Meeting's sewer areas. These issues all have to be addressed in the characterization effort.

Counsel Webster requested that Mr. Burgess give a brief summary of how the regulatory framework is shifting and why this capacity analysis is more important today than it was in the past.

Mr. Burgess explained that the regulations Joint Meeting is working under today were generated from the National CSO Policy the EPA released in 1994. A lot of systems around the country are further along than New Jersey. New Jersey has the benefit of learning from what was learned in other parts of the country which have addressed CSO's. The system capacity becomes very important because one (1) thing that has been learned is that controlling CSO's can be tremendously expensive to do with typical tanks and tunnels and other large facilities. Another one (1) of the things that has happened over the last five (5) to ten (10) years has been an increased recognition that approaches that use green infrastructure, which is basically rain gardens or any kind of facility that would help to infiltrate water that is generated in impervious areas in Combined Sewer Systems and draining it into the ground instead of flowing over the surface and into the catch basins and then on to treatment. It is important to understand capacity because we want to maximize how much we can use the plant to address combined sewer overflows versus having to build an expensive new facility.

Counsel Webster explained that CDM Smith has done this all over the country and has had the benefit of seeing other systems and how they have had to adapt to the new regulations. CDM has been on this path with other sewer treatment facilities. Counsel asked what are some of the typical results of these kind of analysis? What are some of the things that happened so that the Board can better understand some of the externalities that may result from the study.

Mr. Burgess explained the different ways different systems approach this throughout the country. For instance, some places have constructed large tunnel systems to hold back the flow. After a rain storm facilities have the capacity at the plant to treat it but during the event they can't possibly treat all the flow generated. Another approach that has been particularly effective is surface storage tanks, but it is very expensive. Washington D.C. has looked at other approaches and Philadelphia is focused more on the use of green infrastructure, which a lot of other facilities are also starting to move towards.

In answer to a question on how that compares to Joint Meeting municipalities and does that mean Joint Meeting might have to build tunnels, Mr. Burgess explained that Joint Meeting is a treatment agency and Elizabeth is a collection system which uses Joint Meeting's treatment plant to treat their flow. It creates an interesting dynamic because Joint Meeting will be responsible for providing enough interceptor capacity and treatment to provide for Elizabeth's flow to meet the needs under their plan, which of course is not yet defined which is why the State is looking at this and trying to get Joint Meeting and Elizabeth to work together on a long term control plan because each entity has its own responsibilities under this program.

In answer to a question as to what would happen if Elizabeth's flow becomes too much to treat Mr. Burgess explained that the flow would back up at the Trenton Avenue Pumping Station and

overflow out to the Elizabeth River, the Arthur Kill and a number of other outfall points from Elizabeth's System.

Counsel Webster explained that presently the Regulations say there can't be more than four (4) overflows per year but they currently have approximately 75. It is a problem and Joint Meeting may have to spend some money on it. However, Elizabeth is already trying to implement a plan to relieve this situation.

CME Associates explained that among some of the issues is the I/I. Elizabeth could ultimately pursue an argument that since there is a significant amount of I/I that they shouldn't have to pay for that portion of increased capacity because Joint Meeting is already occupying it unnecessarily. The converse argument would be Joint Meeting will fix the I/I issue, enable our facility and our collection system to be able to take on a greater capacity and then whatever subsequent enlargement or increase in the capacities will fall squarely on the source of the additional flow which means Elizabeth. So that the weight of the assessment will fall on Elizabeth since they have to comply to reduce their CSO's from seventy-five (75) down to four (4). Joint Meeting is desirable of being out of that mix to the extent that it can be so that it can be argued that almost to its entirety, Elizabeth is responsible financially, maintenance etc. for the increased capacity issues.

Mr. Burgess explained that's why it is important for Joint Meeting to do an independent report to show exactly what we can do with this system when we get into discussions about what needs to be done, what can be done and what Joint Meeting's role should be versus Elizabeth. There will be a lot of negotiating over this.

CME Associates explained that the models we have right now are being fine tuned which is part of this process, they will be able to identify areas that need attention and be able to enumerate that attention based upon rainfall in a Joint Meeting municipality as opposed to rainfall that falls in Elizabeth because they are not all the same. We have rain gauges in multiple locations to identify this.

In answer to a question as to whether if there is a balance of cost; the possibility of splitting the system, Mr. Burgess explained that sewer separation is extremely expensive and not always successful for a number of reasons. One (1) is because it is technically hard to keep the flows separate etc.

Mr. Burgess explained that the characterization report will be submitted to DEP by July 1, 2018.

CME Associates explained that approximately ten (10) years ago Elizabeth started working on this issue. Elizabeth's permit forced them and Joint Meeting to do certain things operationally to get ahead of that curve. They have been preparing swales and storage basins, identifying leaking CSO's isolations valves etc.

Mr. Burgess explained that Joint Meeting and Elizabeth has to do things together but they also have to do some things separately. There might be funding through the NJEIT.

Mr. Burgess stated that a quarterly report is submitted to DEP which they will also send to the Board members and will come at the next quarter to a Board meeting, give another update and see how the Board wants to proceed at that time regarding future update briefings to the Board.

Counsel Webster suggested a bench mark list be provided.

AVA Consultant stated that in his discussions with the municipal engineers he had met with to date, the information discussed tonight was covered and that it would be prudent for the municipalities to take a closer look at their I/I issues.

On motion by Mayor DeLuca, seconded by Mr. Florio, Resolution 022, award of a contract to CDM Smith Inc. for Professional Engineering Services in connection with the CSO Program System Characterization Report-Final NJPDES Permit was adopted. On roll call; ayes, Messrs. DeLuca, Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

The Chairperson read the following statement which on motion by Mayor DeLuca, seconded by Mr. Sun, was received and ordered printed. On roll call; ayes, Messrs. DeLuca, Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

In accordance with Section 8 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 Personnel and it is anticipated at this time that this subject matter will be made public at a later date.

Upon reconvening on motion by Mayor DeLuca, seconded by Mr. Florio the minutes of the December 15, 2016 and January 19, 2017 meetings were approved as printed. On roll call; ayes, Messrs. DeLuca, Meola, Levison, Sun, Florio, Guarino and Ms. Talmadge, Burgess and Eglow; nays, none. (The Executive Director stated that Ms. Chaneyfield Jenkins approved the December 15, 2016 mins.)

It now being 5:05 p.m. Mayor DeLuca had to leave.

On motion by Mr. Sun, 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. Meola, Levison, Sun, Florio, Guarino and Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Ms. Talmadge, Resolution 019, Designation of 2017 Committee Appointments was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

The following verbal report was given:

Personnel & Procurement Committee: Mr. Florio stated that the Committee had met, discussed and recommends authorization of the following: approving the Qualifications for Professional Services (Public Relations) (020); contract to Zinn Graves and Field for Public Relations Services (R-021); contract to CDM Smith Inc. for Professional Engineering Services in connection with the CSO Program System Characterization Report-Final NJPDES Permit (R-022); contract with to Nichem Company for Furnishing and Delivering Iron Sponge Media (R-023); contract to Clean Venture, Inc. for Co-Generation Facility Iron Sponge Media Removal, Reloading, Disposal and Cleaning of Vessel #302 (R-024); Rejection of and Rebid for Providing Trunk Line Inspection Services (R-025); Purchase Order to Federal Elevator, Inc. for providing Elevator Maintenance Service Agreement (R-026); Purchase Order to Valley Tech, Inc. for Furnishing and Delivering Eclipse Pumps and Repair Kits (R-027); Change Order No. 3 to Coppola Services, Inc. contract for work at the Sludge Conditioning Facility (R-028) and Change Order No. 2 to Allied Construction Group, Inc. contract for Dewatering Facilities Upgrades (R-029).

For clarification purposes, Mr. Florio stated that with regard to Resolution 020, the recommendation was to qualify both applicants, and with regards to Resolution 021, the recommendation is to award a contract to Zinn Graves and Field Inc. for Public Relations Services they presently render, namely the quarterly Newsletter and website. However, if a more significant Public Relations Services is needed the Board reserves the right to receive bids for RFQ's and RFP's.

On motion by Mr. Florio, seconded by Ms. Talmadge, Resolution 019, confirming the Committee Appointments made by the Chairperson for 2017 was adopted. On roll call; ayes, Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow, nays, none.

On motion by Ms. Talmadge, seconded by Ms. Burgess, Resolution 020, approving the Qualifications for Professional Services was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Ms. Talmadge, seconded by Mr. Meola, Resolution 021, award of a contract with Zinn Graves & Field Inc. for Public Relations Services was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Ms. Talmadge, seconded by Mr. Sun, Resolution 023, awarding a contract to Nichem Company for Furnishing and Delivering Iron Sponge Media was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Ms. Talmadge, Resolution 024, awarding a contract to Clean Venture, Inc. for Co-Generation Facility Iron Sponge Media Removal, Reloading, Disposal and Cleaning of Vessel #302 was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Sun, seconded by Mr. Florio, Resolution 025, Rejecting Bids received for Providing Trunkline Inspection Services was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Sun, seconded by Mr. Florio, the Trunkline Inspection Services is to be rebid. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Mr. Sun, Resolution 026, authorizing a Purchase Order to Federal Elevator, Inc. for providing Elevator Maintenance Service Agreement was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Ms. Talmadge, seconded by Mr. Florio, Resolution 027, authorizing a Purchase Order to Valley Tech, Inc. for Furnishing and Delivering Eclipse Pumps and Repair Kits was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Ms. Burgess, Resolution 028, authorizing Change Order No. 3 to Coppola Services, Inc. contract for work at the Sludge Conditioning Facility was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Ms. Burgess, seconded by Mr. Florio, Resolution 029, authorizing Change Order No. 2 to Allied Construction Group, Inc. contract for Dewatering Facilities Upgrades was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Mr. Sun, the **2016 Clean Water Enforcement, Treatment Plant and Industrial Pretreatment Reports** having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

On motion by Mr. Florio, seconded by Ms. Talmadge, the General Counsel, Labor & Employment Counsel, Special Counsel for Pretreatment Violations and Conflicts and Engineering Reports having been mailed to the Board members were received and ordered printed. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge, Burgess and Eglow; nays, none.

The correspondence was received and will be filed.

AVA Consultant gave the following update: the 1<sup>st</sup> monthly report on the I/I Adjustment Analysis together with a chart showing the meetings held with the engineers from Maplewood, Millburn, Roselle Park, Summit, Union and West Orange which was sent to the members. An updated chart distributed today summarizes the ongoing work effort. Meetings have also been held with West Orange and South Orange's engineers. Irvington and Newark meetings are scheduled for next week. It

is important that the municipalities address the I/I issue. The long term control plan deadline is July 1, 2020. He has informed the municipal engineers that he is available to meet with the Municipal CFO's and Council if they wish. However, he cannot stress enough the importance of the municipalities addressing this issue. To date East Orange and Hillside have not responded. However, since they have no adjustment flows he is not overly concerned. In addition, two (2) municipalities have a border issue which could affect the numbers. The initial part of this project is just the baseline numbers that were used in 1994 and how they were going to be adjusted based on the municipal engineers review. It is a good basis for the work discussed previously by CDM Smith, CME Associates and the Superintendent. Many of the municipalities are already proactive and working on the I/I issue.

In answer to a question on the agreed upon three (3) month time limit and the possibility of a slowdown in the process of confirming the numbers by the municipal engineers because of the border issues between two (2) of the municipalities, AVA Consultant explained that it should not slow down the process. It has been difficult to get the municipal engineers to meet with him but it is important that they do. There are also border line conditions between Irvington and Newark and he has scheduled a meeting for next week with both municipalities.

In answer to a question as to whether there is a way that we can possibly identify what the dispute number is, AVA Consultant explained that since he does not know what is in dispute completely he cannot answer the question at this time. He has had discussions with West Orange's engineer who has three (3) conditions that he is not in agreement with which actually hurts West Orange which means they would have to pay more. He is waiting for a letter from West Orange and if necessary he will update the chart. He has to wait until the municipal engineers confirm the numbers. Once the information is received it will have to be reviewed and checked which will take a few days.

In answer to a question as to if there is still a dispute amount in a month or so and it is not resolved how do we proceed and resolve it, AVA Consultant explained that they would have to try to settle with Joint Meeting first and if we can agree and the numbers are the same there is no reason to go forward. If they aren't then they have to meet to see if they can resolve it. However, he doesn't know what the resolution is since he doesn't know the numbers yet. Eventually, Joint Meeting might have to say that we listened and their numbers are off by whatever percentage and this is what we are going with and then it will be up to the Board to make a decision as to whether to go with it or not.

Counsel Webster stated that he would like to have a resolution before the three (3) month period is up.

It now being 5:45 p.m. Ms. Burgess had to leave.

In answer to a question as to whether the municipalities could utilize Joint Meeting to provide a consortium contract, CME Associates explained that if Joint Meeting signs a contract they have to encumber the funds for that contract which would take the funds out of availability for other projects. There would also be administration and inspection of the contract. Joint Meeting could provide a template of the contract they use and then various municipalities could be invited to enter into local agreements and share amongst themselves. However, unless it is an emergency, Joint Meeting should not be burdened with the maintenance of such and could also present a burden on the operation of the facility.

On motion by Mr. Florio, seconded by Mr. Sun, Resolution 018 approving payment of bills was adopted. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge and Eglow; 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 roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge and Eglow; nays, none.

There being no further business on motion by Mr. Florio , seconded by Ms. Eglow, the meeting then adjourned to meet again on Thursday, March 16, 2017, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Meola, Levison, Sun, Florio, Guarino, Ms. Talmadge and Eglow; nays, none.

Respectfully submitted,

Richard Sun  
Secretary