

## Meeting of November 12, 2015 Maintenance

A meeting of the Joint Meeting was held on the above date at the Maplewood Municipal Building at 4:20 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, 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) and Global Logistics Group (GLG).

The Chairperson led the pledge of allegiance.

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

On motion by Ms. Chaneyfield-Jenkins, seconded by Ms. Burgess, the **Treasurer's Report** having been mailed to the Board members was received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, 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: Amending Contract with Inglesino, Webster, Wyciskala & Taylor, LLC for General Counsel Services (R-105); authorizing Inglesino, Webster, Wyciskala & Taylor, LLC to enter into a Retainer Agreement with Peter E. Doyne, Esq. of Ferro, LaBella & Zucker, LLC for the purposes of serving as a Mediator for Certain Pending Litigation (R-106); award of a contract to All American Sewer Service, Inc. for providing Cleaning Equipment Rental and CCTV Inspection Services on an "As Needed" Basis (R-107); Purchase Order of One (1) Godwin CD150M Diesel Pump under State Contract No. A85374 (R-108); Change Order #1 to Contract with MBE Mark III Electric, Inc. for Aeration Equipment Upgrade Project (R-109); Change Order #2 to Contract with Allied Construction Group, Inc. for Plant Laboratory Basement Entrance Modifications (R-110), Submission of Application to the Local Finance Board Pursuant to N.J.S.A. 58:27-19 ET SEQ. and the Execution of a Contract with Waste Management of New Jersey, Inc. (R-111); Declaring Emergency Condition at The Joint Meeting of Essex and Union Counties (R-112) and Adoption of 2016 Budget (R-104).

On motion by Ms. Saxton, seconded by Ms. Chaneyfield-Jenkins, Resolution 107, awarding a Contract to All American Sewer Service, Inc. for Providing Cleaning Equipment Rental and CCTV Inspection Services to the Treatment Plant & Sludge Dewatering Facilities on an "As Needed" Basis

was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. Hughes, seconded by Ms. Leventhal, Resolution 108, authorizing the Purchase of One (1) Godwin CD150M Diesel Pump under State Contract No. A85374 was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Leventhal, seconded by Mr. McTernan, Resolution 109, authorizing Change Order #1 to Contract with MBE Mark III Electric, Inc. for Aeration Equipment Upgrade Project was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. McTernan, seconded by Mr. Hughes, Resolution 110, authorizing Change Order #2 to Contract with Allied Construction Group, Inc. for Plant Laboratory Basement Entrance Modifications was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

Counsel Noble explained that Resolution 111 is in regards to the food waste project and authorizes the submission of the application to the Local Finance Board (LFB) for their review and approval and also to submit to DEP for their comments on the proposed contract with Waste Management. If approval is received from the LFB then the Executive Director is authorized to sign the contract. This is a pilot program for the 1<sup>st</sup> year, and then assuming that the pilot program is successful and benefits Joint Meeting, the contract is for a five (5) year period with two (2), five (5) year extension exercisable by either party or both.

On motion by Ms. Chaneyfield-Jenkins, seconded by Mr. Hughes, Resolution 111, authorizing Submission of Application to the Local Finance Board Pursuant to N.J.S.A. 58:27-19 Et Seq. and authorizing the Execution of a Contract with Waste Management of New Jersey, Inc. was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

With regard to Resolution 112 the Plant Superintendent explained that this pertains to one (1) of the major portions of the treatment facility that removes a significant portion of the pollution in the wastewater and is very important in complying with our NJDEP Discharge Permit. There are four (4) settling tanks, approximately 180 feet in diameter, that follow our aeration tanks where we have bacteria treating the wastewater and then the settling tanks we have to separate the bacteria from the treated wastewater. The settling tanks have been in continuous operation since the late 1970's so about forty (40) years. They have been very well maintained and operating beyond the expected life span. Unfortunately, at the end of October one (1) of the drives, in one (1) of the tanks failed so we have lost approximately 25% of that biological treatment capacity. In terms of our permit, this is an uncomfortable position for us to be in. The drive failed and the exact cause is not known at the present time. We have an inspection scheduled by the original manufacturer at the end of November. In the meantime, because this is very critical Joint Meeting's staff, engineers and consultants are moving forward with obtaining costs for a replacement drive, the cost to remove the failed drive and to install the new one (1). Hopefully, at the December meeting we will have the actual costs for replacement and installation.

On motion by Ms. Chaneyfield-Jenkins, seconded by Mr. McTernan, Resolution 112, Declaring Emergency Condition at The Joint Meeting of Essex and Union Counties was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Ms. Chaneyfield-Jenkins, seconded by Ms. Leventhal, Resolution 103, approving payment of Bills was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

Following a through discussion on the 2016 budget, on motion by Mr. Levison, seconded by Mr. McTernan, Resolution 104, the 2016 Budget was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

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

On motion by Ms. Saxton, seconded by Ms. Chaneyfield-Jenkins, **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, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

The Chairperson asked if there was anyone wishing to address the Board on any Joint Meeting matter with a five-minute limit.

Ms. Alyssa Arunson of 185 South Orange Avenue, South Orange, N.J. requested a copy of the October 15<sup>th</sup> meeting agenda and a copy of the minutes.

The Chairperson again 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 read the following statement which on motion by Mr. McTernan, seconded by Ms. Chaneyfield-Jenkins, was received and ordered printed. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; 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 if 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.

Upon reconvening, Counsel Webster explained that Resolution 105 is a request for an additional allocation of up to \$35,000.00 due to a case which has them approaching their cap. They have reviewed the litigation and the work that may be necessary to the end of the year and believe the \$35,000.00 would be sufficient. The \$35,000.00 would be at their normal billable rate of \$165.00 per hour and not a flat amount.

With regard to Resolution 106, Counsel Webster explained that this is a request to retain the law firm of Ferro, Labella & Zucker, LLC, which is the firm of Judge Doyne who is a mutually agreeable mediator for the Elizabeth/Joint Meeting case at a not to exceed limit of \$15,000.00. In our summary judgment motion the Judge dismissed seven (7) out of the ten (10) claims. However, the Judge suggested that on the three (3) remaining claims we go to mediation. The legal fees will be split between Joint Meeting and the City of Elizabeth with each paying \$15,000.00.

On motion by Mr. Hughes, seconded by Ms. Saxton, Resolution 105, Amending Contract with Inglesino, Webster, Wyciskala & Taylor, LLC for General Counsel Services was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

On motion by Mr. McTernan, seconded by Mr. Hughes, Resolution 106, authorizing Inglesino, Webster, Wyciskala & Taylor, LLC to Enter Into A Retainer Agreement with Peter E. Doyne, Esq. of Ferro, LaBella & Zucker, LLC for the Purposes of Serving as a Mediator for Certain Pending Litigation was adopted. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

There being no further business on motion by Ms. Saxton, seconded by Ms. Leventhal, the meeting then adjourned to meet again on Thursday, December 17, 2015, at the Maplewood Municipal Building at 4:00 p.m. unless called earlier by the Chair. On roll call; ayes, Messrs. Hughes, Tillotson, Levison, McTernan, Florio, Cirilo, Ms. Saxton, Burgess, Leventhal and Chaneyfield-Jenkins; nays, none.

Respectfully submitted,

Howard Levison  
Secretary