

**MINUTES OF REGULAR MEETING**

**FEBRUARY 11, 2014**

The Regular Meeting of the Morris County Municipal Utilities Authority was held on February 11, 2014 at 7:17 p.m. at the Cultural Center, First Floor Conference Room, 300 Mendham Road, Morris Township, New Jersey. The necessary notice of this meeting was published according to the law.

Chairman Dour requested a roll call.

**PRESENT:** Mr. William Hudzik, Mr. James Barry,  
Ms. Laura Szwak, Mr. Frank Druetzler, Mr. Fletcher Platt,  
Mr. Richard Plambeck, Dr. Dorothea Kominos and  
Mr. Christopher Dour.

**ABSENT:** Dr. Arthur Nusbaum.

Also present was Glenn Schweizer, Executive Director; Larry Kaletcher, Treasurer; Marilyn Regner, Secretary; Joseph J. Maraziti, Jr., Esq., Maraziti, Falcon & Healey; Kathleen Hourihan, District Recycling Coordinator; and Freeholder-liaison David Scapicchio.

Chairman Dour asked for the Board's approval of the Minutes of the Regular Meeting dated January 7, 2014.

**MOTION:** Mr. Barry made a Motion to approve the Minutes of the Regular Meeting of January 7, 2014 and Mr. Plambeck seconded the Motion.

**ROLL CALL:** AYES: 4 NAYES: NONE ABSTENTIONS: Ms. Szwak, Dr. Kominos & Messrs. Druetzler & Dour

**TREASURER'S REPORT:**

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating, Water Operating and Capital Accounts for the month of January 2014. Also included is the Monthly report of Comparative Balances for the Solid Waste and Water Divisions, as well as the investment report in which there was no activity for the month of January. There reports have been incorporated in these Minutes.

Chairman Dour asked the Board for a Motion to accept the Treasurer's Report:

**MOTION:** Mr. Platt made a Motion to accept the Treasurer's Report and Mr. Hudzik seconded the Motion.

**ROLL CALL:** AYES: 8 NAYES: NONE ABSTENTIONS: NONE

Chairman Dour asked for the Board's approval of the vouchers:

**BILL RESOLUTION NO. 14-13**

**BE IT HEREBY RESOLVED** that the bills as shown on the SCHEDULE OF WARRANTS all having been approved by the Board of officials where legally required, be and the same are hereby paid. The SCHEDULE OF WARRANTS designated as Bill Resolution No. 14-13 containing 7 pages for a total of \$2,551,319.61 dated and made a part hereof by reference.

**SUMMARY**  
**CHECK NUMBERS**

CAPITAL FUNDS	1075-1078	\$ 8,759.60
WATER OPERATING FUNDS	2319-2361	202,731.45
SOLID WASTE OPERATING	3920-4052	<u>2,339,828.56</u>
	<b>TOTAL</b>	<b>\$ 2,551,319.61</b>

**CERTIFICATION**

I hereby certify that all vouchers listed above have been reviewed and found to be in proper form for payment, and I have compared the SCHEDULE OR WARRANTS to the vouchers for payment and have determined it to be correct.

DATE: February 11, 2014

BOARD CHAIRMAN APPROVAL

\_\_\_\_\_  
Christopher Dour, Chairman

SIGNED: \_\_\_\_\_  
Marilyn Regner, Secretary

**TREASURER'S CERTIFICATION**

I hereby certify that there are sufficient funds in the appropriations charged, or accounts listed to cover the expenditures included in the SCHEDULE OF WARRANTS dated: February 11, 2014

DATE: February 11, 2014

\_\_\_\_\_  
Larry Kaletcher, Treasurer

MOTION: Dr. Kominos made a Motion that the vouchers be approved for payment and Mr. Barry seconded the Motion.

ROLL CALL: AYES: 8 NAYES: NONE ABSTENTIONS: NONE

**CORRESPONDENCE:**

Mr. Schweizer welcomed David Scapicchio as the MUA's liaison and also congratulated Messrs. Hudzik and Plambeck on their reappointment to the MUA Board for another five year term, and thanked Frank Druetzler for serving as Chairman for the last two years.

With regard to Item #8 of the correspondence, the emergency contract with J.P. Mascaro, will be handled under the Solid Waste Report. Mr. Schweizer brought the Board's attention to Item #9 of the correspondence, which is a recognition sent to the Curbside Recycling Crew as they have been encountering a lot of difficulties the last couple months with the weather and they have been doing an outstanding job in trying to keep up with the curbside routes picking up people's recyclables and coming in on Saturdays and Holidays. They have been doing an outrageous job and the only time they don't work is if the roads are so bad that it is not safe to have a truck on. We really have a good crew and theirs is one of the most difficult jobs in the County.

Mr. Plambeck mentioned that his town is proactive in cancelling the service when there is a significant storm and asked if most towns are doing that or does the MUA have to reach out to them? Kathleen stated that the MUA gets in touch with the towns to see what they are thinking about in terms if we cancel, in scheduling a make up day and giving them enough time to notify their residents.

With regard to Item #5 of the correspondence, Mr. Platt asked if the MUA has taken any action on Washington Township's request? Mr. Schweizer replied no, that is a small amount of water and has no impact on us. Mr. Platt added that it is an area affected by Combe Fill South so it is a necessary project.

Letter dated January 8, 2014 to David Scapicchio from Glenn Schweizer welcoming him as Freeholder-liaison to the Morris County Municipal Utilities Authority.

Freeholder Resolution No. 44 adopted January 22, 2014 appointing William Hudzik and Richard Plambeck to the Morris County Municipal Utilities Authority to serve without salary, for a 5-year term to expire on 2/1/19.

Letter dated January 8, 2014 to Glenn Schweizer from Laura Cummings, P.E., Executive Director/Chief Engineer, Southeast Morris County M.U.A. regarding a notice from the Passaic Valley Water Commission indicating a 5% increase in the wholesale water rate effective February 1, 2014.

Letter dated January 17, 2014 to Mayor Peter V. Mancuso, Township of Morris, copied to the MCMUA from Laura Cummings, P.E., Executive Director/Chief Engineer, Southeast Morris County M.U.A. regarding request from the Estate of Peter H.B. Frelinghuysen for water service to property located in the Township of Harding, Outside the District of the Authority.

Notice of Public Hearing received January 28, 2014 from Henry S. Patterson, Executive Director, New Jersey Water Supply Authority regarding application for Washington Township MUA for Uninterruptible Water Supply from the Raritan Basin System.

Letter dated January 17, 2014 to Township of Mt. Olive Planning Board from Joseph Barilla, Principal Planner and Christine Marion, Planning Director of the Morris County Planning Board regarding Subdivision and Site Plan Report for Marveland Estates.

Memorandum dated January 10, 2014 to John Bonanni, County Administrator from Glenn Schweizer regarding MCMUA Tipping Fees.

Emergency Contract dated February 3, 2014 to Pasquale N. Mascaro, President, J.P. Mascaro & Sons from Glenn Schweizer for Operating the Two Morris County Transfer Stations, located in Parsippany-Troy Hills Township and Mount Olive Township, Including Providing Transfer-Trailers and Disposal of All Solid Waste Received at the Transfer Stations.

Memorandum dated January 16, 2014 to MCMUA Curbside Crew from Glenn Schweizer thanking them for their efforts in completing collections each day during extreme weather conditions and also for collecting heavy amounts of materials set out following the holidays.

Email dated January 13, 2014 to Glenn Schweizer and John Scarmozza from Christine Marion regarding Jersey City sale of Split Rock Reservoir.

Daily Record Article dated January 30, 2014 entitled "Grants help keep Morris schools litter free".

Letter dated February 7, 2014 to New Jersey Department of Environmental Protection from

Anthony Milonas, Supervisor of Water Operations, regarding T1 Reports for the Morris County

M.U.A. for the month of January 2014.

### **ENGINEER'S REPORT:**

In John Scarmozza's absence, Mr. Schweizer mentioned that we are still waiting for a break in the weather to finish the interior repair of the Mine Hill Tank so we are still operating on the back-up system. On the roof repair project, those RFP's have been issued and advertised and the due date is February 28<sup>th</sup>. We expect to make a selection for an engineer to help design the new repairs on the wells and the pump station at the next meeting.

Mr. Plambeck asked about the pipe breaks in Mine Hill and asked if we saw it diminish with the weather? Mr. Schweizer replied there has been no additional contact from the township. There was a flurry of service main breaks but they are all plastic pipe and it was right during that significant freeze we had.

Mr. Platt made a request of John when he gets a chance to give an update on the status on the Rockaway Well and efforts with DEP and the Highlands Council.

### **PROJECT STATUS:**

#### **1. Water Tank Painting Project, Contract 22R-12**

- A. Cold weather has prevented Alpine from completing the Mine Hill Tank interior coating spot repairs. At least five work days above 35 degrees Fahrenheit will be needed to complete pressure washing and clean-up for painting, and another five work days above 25 degrees Fahrenheit will be needed to power tool clean the surfaces and paint. Alpine is watching the extended weather forecasts for a window of opportunity to resume the work.
- B. Mine Hill advised the MCMUA that system pressure was steadily rising and that they were experiencing numerous house service breaks. A gasket failure in the Mine Hill pressure reducing valve (PRV) was causing unreliable valve performance, consequently the MCMUA was forced to switch to the alternate PRV located in the Mt. Arlington Pumping Station. Alternate PRV use had previously caused some isolated pressure problems in Mt. Arlington; MCMUA & Mt. Arlington DPW personnel flushed hydrants in the problem area to remove air pockets in the main and have eliminated the pressure fluctuation problem. Mine Hill, Roxbury and Wharton have been supplied through the alternate PRV since January 21<sup>st</sup>; operating personnel received the rebuilding kit for the Mine Hill PRV on January 29<sup>th</sup> and are expected to have it reconditioned and back in service by February 6<sup>th</sup>. Although either valve is able to supply the anticipated demand, staff wants the redundancy of two valves just in case.
- C. Other than the quantity, little information was provided regarding the service breaks. Mine Hill suspects the pressure increase caused the breaks; however, depth of cover on the services would come into play during this extended cold snap. All of the breaks are between the curbstop and house on plastic lines, the copper street services between the main and curb have not failed. Plastic is susceptible to embrittlement due to age and temperature, and is prone to connection failures.

#### **2. Roof Repair**

- A. The Request for Proposals (RFP) for the roof repair to six wells and the Mt. Arlington Pump Station has been advertised. The scope of work requires the consultant to investigate alternatives to the flat roofs presently on the buildings and provide a comparative study of retrofitting each building with a pitched roof. Depending on the estimated construction costs, roof replacement may be spread out over a multi-year period.

**3. Markewicz Pump No. 1**

- A. The replacement of Markewicz Pump No. 1 has been completed with the final laser alignment of the pump and motor by A.C. Schultes. With the Mine Hill Tank out-of-service, it was necessary to run one of the 3300 gpm pumps to supply Roxbury, Mine Hill and Wharton through Randolph. The time line for getting the Pump No. 1 back in service only had to precede re-activation of the Mine Hill Tank.

**4. SCADA Upgrades**

- A. A bid package to furnish and deliver the SCADA hardware required for the next round of upgrades will be advertised this month. This project will upgrade the SCADA for the storage tanks, Mt. Arlington Pumping Station and miscellaneous sites.

**GENERAL**

**1. SYSTEM**

- A. Un-Regulated Contaminant Monitoring samples will be collected in February by MCMUA operating staff and shipped to a USEPA approved lab for analysis and reporting. This is an unfunded mandate that the MCMUA has no choice in. On a three year cycle the EPA notifies selected systems what they are expected to sample for and the results are used to determine if new chemical compounds need to be sampled for on a routine basis nationwide.

**SOLID, HAZARDOUS & VEGETATIVE WASTE REPORT:**

In Larry Gindoff's absence, Mr. Schweizer mentioned that with all the snow and bad weather, the transfer station has remained open but the waste being taken in is not as significant due to the storms. Mr. Schweizer also mentioned that we have scheduled the Household Hazardous Waste Events for 2014.

Mr. Plambeck mentioned that with regard to the section of the Solid Waste Report under Solid Waste Management Plan on Rotondi & Sons, he talked with Bob Falzarano, the Chatham Boro Administrator today, it is going to be on their February 24<sup>th</sup> Council Meeting Agenda. They have been doing some negotiations and outstanding issues have been resolving favorably, so they will likely approve the project at their February 24<sup>th</sup> meeting.

Mr. Schweizer asked the Board for approval of the following resolution:

RESOLUTION NO. 14-14  
RESOLUTION AFFIRMING AWARD OF 2014 EMERGENCY CONTRACT TO J.P. MASCARO & SONS FOR THE COMBINED OPERATION OF THE TWO TRANSFER STATIONS, TRANSPORTATION OF SOLID WASTE TO FINAL DISPOSAL FACILITIES VIA OVER-THE-ROAD TRANSFER TRAILERS, AND DISPOSAL OF SOLID WASTE FROM THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY'S TWO TRANSFER STATIONS FOR A TERM LIMITED TO THE DURATION OF THE EMERGENCY PURSUANT TO N.J.S.A. 40A:11-6 AND BY ORDER OF THE APPELLATE DIVISION OF THE SUPERIOR COURT OF NEW JERSEY DATED DECEMBER 16, 2013

**WHEREAS**, on July 9, 2012, the Authority issued a Notice to Bidders seeking "Sealed Bids for Operating the Two Morris County Solid Waste Transfer Stations, located in Parsippany-Troy Hills Township and Mount Olive Township, including Providing Transportation via Transfer Trailers and/or Intermodal Rail Containers and Disposal of all Solid Waste Received at the Transfer Stations" (the "RFB"); and

**WHEREAS**, the RFB was published locally in the *Star-Ledger* and the *Daily Record*,

and nationally in *Waste News* in order to maximize the open, fair and competitive process to the solid waste industry; and

**WHEREAS**, the Authority received sealed, competitive bids on September 13, 2012 at 2:00 p.m. from Covanta, Mascaro, Waste Management, Blue Diamond Disposal, Inc., Republic Services, Interstate Waste Services, and Coastal Distribution; and

**WHEREAS**, the lowest bid received by the Authority was Covanta's bid in the amount of \$131,004,000, based on an annual estimate of generated solid waste of 400,000 tons, as compared over a five (5) year period; and

**WHEREAS**, the second lowest bid received by the Authority was Mascaro's bid in the amount of \$134,380,000, also based on an annual estimate of generated solid waste of 400,000 tons, as compared over a five (5) year period; and

**WHEREAS**, the third lowest bid received by the Authority was Waste Management's bid in the amount of \$137,952,000; and

**WHEREAS**, on October 9, 2012, the Authority conducted an open public session at its regular monthly meeting at which all bidders, including Mascaro and Waste Management, were offered an opportunity to present arguments to the Authority as to why it believed the bid submitted by Covanta, the lowest bidder, (or any other bidder, for that matter) contained material defects; and

**WHEREAS**, following a closed session on October 9, 2012, the Authority decided not to take action but instead voted to hold a Special Meeting on October 16, 2012 in order to permit time for further consideration; and

**WHEREAS**, after thoughtful deliberation and careful consideration of all of the issues raised at the open public session during the October 9, 2012 meeting and thereafter, and following the tenets of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and corresponding case law, and the evaluation of financial, engineering and legal reports, on October 16, 2012, the Authority determined that: (1) Covanta's bid, although lowest, had to be rejected because it contained material defects which could not be cured; and (2) Mascaro was the lowest responsible bidder; and

**WHEREAS**, on October 16, 2012 the Authority adopted a Resolution entitled "Resolution Awarding Contract to J.P. Mascaro & Sons for the Combined Operation of the Two Transfer Stations, Transportation of Solid Waste to Final Disposal Facilities Via Over-The-Road

Transfer Trailers, and Disposal of Solid Waste from the Morris County Municipal Utilities Authority's Two Transfer Stations for a Period of Four (4) Years with a Single One-Year Renewal Extension" which rejected Covanta's bid and awarded the contract for solid waste services to Mascaro, pursuant to N.J.S.A. 40A:11-6.1; and

**WHEREAS**, on October 23, 2012, Waste Management, the third lowest bidder, filed a Verified Complaint in Lieu of Prerogative Writs and Order to Show Cause for Preliminary Injunction in the Law Division challenging the award of the contract to Mascaro; and

**WHEREAS**, on November 7, 2012, Covanta filed a Verified Complaint in Lieu of Prerogative Writs and Order to Show Cause for Preliminary Injunction in the Law Division challenging the award of the contract to Mascaro; and

**WHEREAS**, the Authority and Mascaro opposed Plaintiffs' applications for preliminary injunction; and

**WHEREAS**, after three (3) days of oral argument and the presentation of witnesses and other evidence, which took place on November 29, 2012 before the Honorable Thomas L. Weisenbeck, A.J.S.C., including the submission of expert reports and testimony, Plaintiffs' applications for preliminary injunctive relief were denied in a twenty (20) page opinion dated December 12, 2012 by Judge Weisenbeck; and

**WHEREAS**, on December 18, 2012, the Authority executed a four (4) year contract with a one (1) year renewal option with Mascaro; and

**WHEREAS**, on December 21, 2012 and December 26, 2012, respectively, Plaintiffs Waste Management and Covanta filed Motions for Leave to File Interlocutory Appeal and to Stay the Award of the Contract; and

**WHEREAS**, on January 25, 2013 Waste Management demobilized from the Authority's Transfer Stations and Mascaro commenced performance of the contract; and

**WHEREAS** on February 26, 2013 the Appellate Division of the Superior Court of New Jersey granted a stay of the effectuation of the contract between the Morris County Municipal Utilities Authority and J.P. Mascaro & Sons for the Combined Operation of the Two Transfer Stations, Transportation of Solid Waste to Final Disposal Facilities via Over-The-Road Transfer Trailers, and Disposal of Solid Waste from the MCMUA's two transfer stations for a period of four (4) years, with a single one-year renewal extension period that was executed on December 18, 2012 (the "Contract"); and

**WHEREAS**, the stay issued on February 26, 2013 after the demobilization of Waste Management from the Authority's Transfer Stations on January 25, 2013 and commencement and continued performance of the Contract by J.P. Mascaro & Sons created an emergency situation regarding the continuation of solid waste disposal in Morris County, which could not have been reasonably foreseen; and

**WHEREAS**, on February 27, 2013, the Authority filed an application for permission to file an emergent motion for reconsideration of the Appellate Division's Order requesting that the stay be lifted in order that garbage collection throughout the County could continue; and

**WHEREAS**, because businesses and residents within Morris County rely solely upon the Authority for the removal and disposal of all of the non-hazardous solid waste that is generated within Morris County, the Authority had no choice but to execute an emergent contract with Mascaro as set forth in the letter agreement from the Executive Director to the President of J.P. Mascaro & Sons, dated February 27, 2013 after having reviewed the written memorandum from the Solid Waste Coordinator to the Executive Director, dated February 27, 2013 regarding the necessity for an emergency contract with J.P. Mascaro & Sons for the immediate and continued operation of the Authority's Transfer Stations and transportation and disposal of solid waste to final disposal facilities in order to protect human health, safety, welfare and the environment; and

**WHEREAS**, on March 5, 2013, the Authority adopted a Resolution entitled "Resolution Affirming Award Of Emergency Contract To J.P. Mascaro & Sons for the Combined Operation of the Two Transfer Stations, Transportation of Solid Waste to Final Disposal Facilities via Over-The-Road Transfer Trailers, and Disposal of Solid Waste from the Morris County Municipal Utilities Authority's Two Transfer Stations For A Term Limited To The Duration Of The Emergency Pursuant to N.J.S.A. 40A:11-6"; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

**WHEREAS**, by Order dated March 4, 2013 the Appellate Division of the Superior Court of New Jersey held, in part: "Waste transfer services are currently being provided under an emergency contract between the applicant and defendant Solid Waste Services, Inc., d/b/a J.P. Mascaro & Sons (Mascaro), pursuant to N.J.S.A. 40A:11-6. The contract may continue pending resolution of this appeal, and shall not be considered in any way to support Mascaro's claim to a

permanent contract”; and

**WHEREAS**, the aforementioned interlocutory appeal was decided by the Appellate Division on December 16, 2013; and

**WHEREAS**, the Appellate Division stated in its December 16, 2013 written published decision as follows: “Our order of February 26, 2013, which was designed to preserve the status quo as it existed when suit commenced, shall remain in place—with the additional condition that Mascaro may continue to perform under the emergency contract—pending the entry of final judgment in the trial court”; and

**WHEREAS**, regulations promulgated by the Department of Community Affairs pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., states in relevant part: “Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.” N.J.A.C. 5:34-6.1(a)(5); and

**WHEREAS**, the Authority desires to enter into a new emergency contract with Mascaro which shall remain in place pending the entry of final judgment in the trial court in accordance with the Appellate Division’s written published decision dated December 16, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by Morris County Municipal Utilities Authority as follows:

1. The Authority affirms the award of the emergency contract to J.P. Mascaro & Sons for the Combined Operation of the Two Transfer Stations, Transportation of Solid Waste to Final Disposal Facilities via Over-The-Road Transfer Trailers, and Disposal of Solid Waste from the MCMUA's two transfer stations, for a term limited to the duration set forth in the Appellate Division’s written published decision dated December 16, 2013 in Waste Management of New Jersey Inc. v. Morris County Municipal Utilities Authority and Solid Waste Services, Inc. d/b/a/ J.P Mascaro & Sons, Docket No. A-2806-12T1 (consolidated with) Covanta 4Recovery, L.P. v. Morris County Municipal Utilities Authority, Solid Waste Services, Inc. d/b/a/ J.P. Mascaro & Sons, and Waste Management of New Jersey, Inc., Docket No. A-2808-12T1 and as set forth in the letter agreement by and between the Authority and J.P. Mascaro & Sons dated February \_\_\_\_, 2014.

2. The Executive Director is authorized to take all actions necessary and appropriate to implement this Resolution so that there will be no interruption in the disposal of solid waste generated in Morris County.

3. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Special Meeting held on February 11, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Christopher Dour, Chairman

ATTEST:

\_\_\_\_\_  
Marilyn Regner, Secretary

MOTION: Mr. Platt made a Motion to affirm the award of 2014 Emergency Contract to J.P. Mascaro & Sons for operation of the two transfer stations and Dr. Kominos seconded the Motion.

ROLL CALL: AYES: 8      NAYES: NONE      ABSTENTIONS: NONE

With regard to the Mascaro case, Mr. Maraziti reported that there was a recent decision by the Appellate Division on December 16<sup>th</sup> that the case be referred back to Judge Weisenbeck for him to make a decision on pending motions for Summary Judgment. We were before the Judge about two weeks ago on January 23<sup>rd</sup> on a Case Management Conference and at that point there was a hour discussion prompted by the fact that the Plaintiffs in the lawsuit, Covanta and Waste Management, were asking for another opportunity to file another brief before Judge Weisenbeck. After a long conversation, he allowed them the opportunity to do that by next week and we will have an opportunity to respond if needed and then he will be making a decision. So what will happen, he suspects, within a month or two we will have another decision from Judge Weisenbeck and somebody who is not happy with it will appeal it to the Appellate Division. So the case could go on depending on the outcome; however, what we are benefited by is that the Court understands that Solid Waste has to be collected and disposed of while the legal issues are being resolved and they have explicitly provided in the Court orders that we are permitted to extend on an emergency basis the contract we have with Mascaro. He added that we continue to get the benefit of the contract that is in dispute until this litigation is resolved and it may take awhile but we are getting the benefit of the price terms and the very good performance.

Mr. Schweizer mentioned that the last item in Larry's report is the 2014 Solid Waste Tipping Fee where the Freeholders asked the MUA to allocate some time at tonight's meeting in case any municipal officials were interested in asking questions about the tipping fee. He mentioned that we did prepare a fact sheet of our talking points that all Board members received in their packets. He added that he did not receive any feedback from the Freeholders' Office or the Administrator's Office with regard to the information or of any potential municipal interest in this. Chairman Dour mentioned that everything is laid out so clearly in the fact sheet that it justified the increase is minimal, it is under two percent, and also mentions the things that need to be done to the facilities so we don't affect the fund balance.

**TRANSFER STATIONS**

**Tonnage** – For the month of January 2104, a total of 27,744 tons of solid waste was accepted at the two transfer stations. This monthly total is 5.63% less than the 29,400 tons accepted in January 2013. Of note, the transfer stations have remained open and in operation during all the recent snow storms, though the quantity of material accepted during these days has been very low.

**Legal Challenges to the Transfer Station Procurement** – As reported at the January meeting, in an opinion dated December 16, 2013, the Appellate Division reversed Judge Weisenbeck's determination to deny preliminary injunctive relief. With this opinion, the emergency contract with Mascaro remains in place while the matter is sent back before Judge Weisenbeck so that he

may rule on the pending summary judgment and/or proceed to trial. On January 23, 2014, a case management conference was held between the parties before Judge Weisenbeck. Counsel will be available to answer questions on the matter during the January meeting.

Although the emergency contract with Mascaro is to remain in place while the matter is sent back before Judge Weisenbeck, the MCMUA needs to renew the emergency contract originally executed on February 27, 2013. On December 16, 2013, the Appellate Division reversed the Trial Court's denial of a preliminary injunction to Covanta and Waste Management and held that: "Our Order of February 26, 2013, which was designed to preserve the status quo as it existed when suit commenced, shall remain in place—with the additional condition that Mascaro may continue to perform under the emergency contract—pending the entry of final judgment in the trial court."

Counsel prepared a letter agreement to renew the emergency contract which has been forwarded to Mascaro for execution. Additionally, a resolution authorizing the execution of the emergency contract by the MCMUA has been prepared and will be presented to the MCMUA's Board for its consideration and approval at the February meeting. The conditions of the emergency contract incorporate all the terms and conditions proposed by Mascaro in their original response to the MCMUA's procurement with the exception that the duration of the emergency contract shall be for the duration of the emergency. It should be noted that since Mascaro began the transfer stations contract with the MCMUA approximately one year ago, they have done an outstanding job in operating the facilities and providing quality service for the MCMUA and the residents and businesses of Morris County.

## **SOLID WASTE MANAGEMENT PLAN**

**S. Rotondi and Sons Administrative Action Request** – There has been no new activity on this matter in the previous 2-3 months as staff is still waiting for the adoption of a resolution from the Borough of Chatham setting forth its position with respect to the Solid Waste Management Plan modification requested by S. Rotondi & Sons, Inc. The requested change is to consolidate an exempted class "B" wood grinding activity Rotondi operates on an adjacent lot with its already permitted class "C" vegetative waste transfer station.

**County Concrete Class "B" Concrete Recycling Facility, Roxbury** – In a Certification dated January 31, 2014, NJDEP Commissioner Martin certified as approved the Plan inclusion of the County Concrete Class "B" concrete recycling facility. This facility is to be located on Railroad Avenue in the Kenvil section of Roxbury Township (see attached).

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation and Events** - During January 2014, a total of 120 residents and businesses delivered waste to the permanent household hazardous waste (HHW) facility in Mount Olive. This is up in participation from the previous month of December 2013, when 111 participants used the facility. It also represents a decrease from last year when 162 participants used the facility in January 2013.

For 2014, three household hazardous waste disposal events have been established and are being promoted. In addition to two programs being conducted at the Public Safety and Training Academy in the spring and fall, the MCMUA will conduct one program in southeastern Morris County at Chatham High School on October 18, 2014. The MCMUA's designs the HHW program to provide access for drop-off at sites throughout Morris County. Last year the MCMUA conducted a program in northeastern and northwestern Morris County in Pequannock Township and Jefferson Townships. The MCMUA's permanent household hazardous waste facility located at the Mount Olive transfer station provides excellent access to this service for the rest of the county all year long. All programs will accept E-waste for recycling in addition to accepting more traditional household hazardous wastes. See the attached flyer for more information.

The contracts for the operation of the MCMUA's two major HHW programs will be expiring this spring. Staff is preparing to issue bids for both the operation of the permanent facility as well as operation of the one-day disposal events in the coming weeks for receipt in March and for award in April. Currently, Clean Venture operates the one-day events and MXI operates the permanent

facility. Finally, requests for quotations will be issued in the upcoming weeks for the operation of the E-waste recycling program the MCMUA manages at the permanent facility as well as at its one-day events. This contract is currently handled by MRM.

### **VEGETATIVE WASTE MANAGEMENT – January 2013**

**Facility Report** – The vegetative waste report for the month of January 2013 was still being compiled as of the writing of this report and will be presented to the Board at the January meeting. The schedule for bulk 2014 compost and mulch deliveries has been established. Deliveries this year will begin on April 14, 2014 and will continue through September 26, 2014. See that attached flyer for more information.

### **RECYCLING REPORT:**

Ms. Hourihan reminded the Board that the next Recycling Awards Dinner, which will be called Highly Caffeinated Recycling, will be held on Friday, April 11<sup>th</sup>. She also reported that the MUA was auctioning off 23 items; 7 vehicles (6 collection vehicles and one pick-up truck) and the other 16 items were roll-off containers and one dumpster. Of the 23 items posted, 21 of them sold and two did not receive any bids so she is going to re-post them. The total that the MUA will earn is about \$91,000 and we have received payment for about \$75,000 worth of the items because the big items which were the trucks, one person bought all of them.

Mr. Plambeck was happy to see that the recycling numbers for the month are proving out and Chatham Boro is second highest of all the towns reported. Ms. Hourihan mentioned that she has learned that Chatham Boro has weekly collection, so this is a big incentive for residents; they have a pay per bag for disposal program so there is a big dis-incentive to generate garbage and she just learned this week that Chatham Boro does recycle bank which is an incentive program to recycle so residents can get rewarded in coupons by how much they recycle. So there are three big incentives for Chatham Boro residents.

Laura Szwak asked about the status on the recycling bill and Ms. Hourihan replied she is pretty sure that it died in the last legislative session but she'll check to see if it got re-introduced. Chairman Dour asked what was the bill for and Ms. Hourihan explained that was being pushed by Waste Management to give automatic exemptions to commercial generators of recyclables so it would allow them to mix their garbage with recyclables as long as it was going to a certified or approved facility.

Chairman Dour commented that it was nice to see that 13 municipalities got rebates.

### **Recycling Operations**

**Revenue and Tonnage** – The ReCommunity reconciled December statement was received January 28 in the amount of \$43,249.71 and was subsequently revised slightly up to \$43,294.31. The tonnage collected by the MCMUA during January was 1,495 tons and is shown by material and by customer on the attached report.

**Auction of Equipment** – Staff posted 23 items on [www.GovDeals.com](http://www.GovDeals.com), an auction website, for sale. The items included 7 vehicles and 16 containers. The posting lasted 14 days and ended on February 4 for all, but one item, which will end on February 11. Twenty items sold and two items did not receive any bids. Those two items will be reposted. The total value of the materials that sold was \$89,816. The MCMUA will collect an additional 7.5% fee on each item to be paid to GovDeals. Staff is now in the process of receiving the required certificates of insurance and payments, so that the equipment can be picked up by the buyers.

**Rebates to Municipalities** – During January, staff worked to finalize all of the ReCommunity statements in preparation to calculate rebates for municipalities based on revenue received during 2013. Rebates for single-stream, fiber and commingled bottles and cans are based on five-year averages. A new five-year average was calculated for each stream for 2009 to 2013. Based on the calculations, each of the 2013 prices was below the five-year averages, which means that no rebate is paid. Other materials, including rigid plastics, corrugated cardboard and scrap metal did yield rebates. As a result a total of \$7,726 will be paid to 13 municipalities for 2013 tonnage.

## **Events/Education/Miscellaneous**

**Clean Communities** – Slam Dunk the Junk: Letters were mailed to schools in mid-January for this year's program. A press release was issued and two radio stations called for interviews and the Daily Record published an article on January 30. Educational Programs: In January, the MCMUA funded 8 educational programs at schools in Chatham Borough, Chatham Township, Pequannock, Riverdale and Rockaway Township. Road Clean-ups: There were no road clean-ups in January.

**MORE Program (County Office Recycling Program)** – In January, staff provided additional indoor recycling receptacles to the COM Center and the Medical Examiners office at the Public

Safety Training Academy. Additionally, a new dumpster was requested to be provided at the fire training area behind the Academy. Staff has dumpsters to provide, but just needs to determine what size is appropriate.

**Awards Dinner** – Preparations for this year's recycling awards dinner, Highly Caffeinated Recycling, are well underway. The awards recipients have been selected and notified. The band, photographer and crier have been booked. The table favors have been order. The design for the invitations and program have been created by Larry Gindoff.

**Recycling Inspections/Outreach** – In January, 51 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors. This represents about 1% of the total loads received during that time period.

During January, staff worked with many generators and haulers to inform them of the recycling requirements in Morris County. The list below is a sample.

- Evergreen Recycling regarding a customer in Denville
- Gaeta Recycling regarding their customer, Givaudan Fragrances in Mt Olive
- Robertet Fragrances in Mt Olive and their builder, The Holder Group, and hauler, Evergreen Recycling
- Avalon Bay at Florham Park to help with their hauler T. Farese regarding source separation.

**Event Containers** – The MCMUA's event containers for recycling and garbage were not borrowed during January.

**Preparations for Office Move** – During January, staff spent much more time preparing for the office move. Staff spent additional time sorting through old files to purge old papers. Liz Sweedy has been coordinating with the Curbside department to empty the recycling containers as we keep refilling them. Liz has also been coordinating with S.L.A.P. (Sheriff's Labor Assistance Program) to have them move boxes and shelving units to the Consolidation Center. They started helping in December and continued in January and are scheduled to help in February. S.L.A.P. has been a tremendous help and we are grateful.

## **PUBLIC PORTION:**

There being no comment from the Public, this portion of the meeting was closed.

## **OLD BUSINESS:**

There being no Old Business, this portion of the meeting was closed.

## **NEW BUSINESS:**

Mr. Schweizer asked for the Board's approval of the following resolutions:

RESOLUTION NO. 14-15  
RESOLUTION TO SELL LAND OWNED BY THE AUTHORITY  
BY OPEN PUBLIC SALE AT AUCTION

WHEREAS, the Morris County Municipal Utilities Authority (hereinafter "Authority") is the owner in fee simple of certain real property identified as 7 Doe Hill Road, Township of Morris, County of Morris, State of New Jersey, Block 3701, Lot 2, on the tax maps of the Township of Morris (the "Property"); and

WHEREAS, the Authority has determined that the Property is no longer necessary for the purposes of the Authority; and

WHEREAS, the Authority intends, as owner of the Property, to convey the Property; and

WHEREAS, the Local Lands and Buildings Act, N.J.S.A. 40A:12-1 et seq., requires that the Authority adopt a resolution authorizing the sale of municipal lands no longer necessary for the purposes of the Authority by open public sale at auction;

NOW, THEREFORE, BE IT RESOLVED by the Authority as follows:

1. The Property is no longer necessary for the purposes of the Authority.
2. The Authority is hereby authorized to sell the Property in accordance with the Local Lands and Buildings Act, by open public sale at auction to the highest bidder.
3. The Authority reserves the right to, upon completion of the bidding:
  - i. To reject the bids;
  - ii. To accept the highest bid; and
  - iii. To reject all bids where the highest bid is not accepted.
4. All notices required by Local Lands and Buildings Act, specifically 40A:12-13(a) shall be printed in the Daily Record and the Star Ledger.
5. The Authority hereby authorizes and directs Glenn Schweizer, Executive Director to conduct a public auction to receive bids for the Property in accordance with the terms and conditions of this Resolution and the terms of the Notice of Sale.
6. The Authority shall determine by Resolution to accept or reject the bid or bids received at the public auction.
7. The Authority hereby authorizes and directs Glenn Schweizer, Executive Director to execute any documents necessary to effectuate the purposes of this Resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at a Regular Meeting held on February 11, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Christopher Dour, Chairman

ATTEST:

\_\_\_\_\_  
Marilyn Regner, Secretary

MOTION: Dr. Kominos made a Motion to sell land (7 Doe Hill Road) owned by the Authority by Open Public Sale at Auction and Mr. Druetzler seconded the Motion.

ROLL CALL: AYES: 8 NAYES: NONE ABSTENTIONS: NONE

RESOLUTION NO. 14-16  
RESOLUTION TO SELL LAND OWNED BY THE AUTHORITY  
BY OPEN PUBLIC SALE AT AUCTION

WHEREAS, the Morris County Municipal Utilities Authority (hereinafter "Authority") is the owner in fee simple of certain real property identified as 82 Whitehead Road, Township of Morris, County of Morris, State of New Jersey, Block 3202, Lot 6, on the tax maps of the Township of Morris (the "Property"); and

WHEREAS, the Authority has determined that the Property is no longer necessary for the purposes of the Authority; and

WHEREAS, the Authority intends, as owner of the Property, to convey the Property; and

WHEREAS, the Local Lands and Buildings Act, N.J.S.A. 40A:12-1 et seq., requires that the Authority adopt a resolution authorizing the sale of municipal lands no longer necessary for the purposes of the Authority by open public sale at auction;

NOW, THEREFORE, BE IT RESOLVED by the Authority as follows:

1. The Property is no longer necessary for the purposes of the Authority.
2. The Authority is hereby authorized to sell the Property in accordance with the Local Lands and Buildings Act, by open public sale at auction to the highest bidder.
3. The Authority reserves the right to, upon completion of the bidding:
  - i. To reject the bids;
  - ii. To accept the highest bid; and
  - iii. To reject all bids where the highest bid is not accepted.
4. All notices required by Local Lands and Buildings Act, specifically 40A:12-13(a) shall be printed in the Daily Record and the Star Ledger.
5. The Authority hereby authorizes and directs Glenn Schweizer, Executive Director to conduct a public auction to receive bids for the Property in accordance with the terms and conditions of this Resolution and the terms of the Notice of Sale.
6. The Authority shall determine by Resolution to accept or reject the bid or bids received at the public auction.
7. The Authority hereby authorizes and directs Glenn Schweizer, Executive Director to execute any documents necessary to effectuate the purposes of this Resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at a Regular Meeting held on February 11, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Christopher Dour, Chairman

ATTEST:

\_\_\_\_\_  
Marilyn Regner, Secretary

MOTION: Mr. Plambeck made a Motion to sell land (82 Whitehead Road) owned by the Authority by Open Public Sale at Auction and Mr. Hudzik seconded the Motion.

ROLL CALL: AYES: 8 NAYES: NONE ABSTENTIONS: NONE

There being no further New Business, this portion of the meeting was closed.

On the Flood Mitigation Committee, Ms. Szwak reported that 94% of the funding has been used, 39 properties have been closed, with 78 pending. The program involved nine towns in Morris County and two more are coming in with plans. She mentioned that Denville is going to use five of its properties and do a community garden. Mr. Druetlzer asked if there was going to be more money allocated for that program and Mr. Scapicchio replied that County Staff is in the process of doing an evaluation to make sure there are available funds for these projects. Mr. Scapicchio

mentioned that the Freeholders are looking at possibly setting up a program where these homeowners or the towns can borrow money through the County and rather than sell their houses, raise the house above the flood plain.

Mr. Schweizer asked Laura Szwak if the Flood Mitigation Committee is a subset of the Open Space Trust Fund Committee? Ms. Szwak replied that as of 2014, they are two different committees. Mr. Schweizer mentioned that Larry Gindoff will be representing the MUA on the County's Open Space Committee.

There being no further Business, Chairman Dour asked for a Motion to adjourn the meeting at 7:58 p.m.

MOTION: Mr. Plambeck made a Motion to adjourn the meeting at 7:58 p.m. and Mr. Hudzik seconded the Motion and it was carried unanimously.

\_\_\_\_\_  
Marilyn Regner  
Secretary

/mr