

## MINUTES OF REGULAR MEETING

**JULY 8, 2014**

The Regular Meeting of the Morris County Municipal Utilities Authority was held on July 8, 2014 at 7:02 p.m. in the First Floor Conference Room at the MCMUA Offices located at 214A Center Grove Road, Randolph, New Jersey. The necessary notice of this meeting was published according to the law.

Chairman Dour requested a roll call.

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

Mr. William Hudzik entered the meeting at 7:10 p.m.

**ABSENT:** Dr. Arthur Nusbaum and Dr. Dorothea Kominos.

Also present was Glenn Schweizer, Executive Director; John P. Scarmozza, P.E., Chief Engineer; Larry Kaletcher, Treasurer; Marilyn Regner, Secretary; Brent Carney, Esq., Maraziti, Falcon & Healey; Larry Gindoff, Solid Waste Coordinator; and Kathleen Hourihan, District Recycling Coordinator.

Chairman Dour asked for the Board's approval of the Minutes of the Closed Session and Regular Meeting dated June 10, 2014.

**MOTION:** Mr. Barry made a Motion to approve the Minutes of the Closed Session and Regular Meeting of June 10, 2014 and Mr. Druetzler seconded the Motion.

**ROLL CALL:** AYES: 5 NAYES: NONE ABSTENTIONS: Mr. 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 June 2014. Also included are the Comparative Balance Reports for the Solid Waste and Water Divisions for the first half of 2014, as well as the investment report for the month of June in which there was no activity. These 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. Plambeck seconded the Motion.

**ROLL CALL:** AYES: 6 NAYES: NONE ABSTENTIONS: NONE

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

### BILL RESOLUTION NO. 14-35

**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. 14-35 containing 7 pages for a total of \$2,857,536.93 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

CAPITAL FUNDS	1097-1098	\$ 20.27
WATER OPERATING FUNDS	2521-2553	134,596.86
SOLID WASTE OPERATING	4434-4518	<u>2,722,919.80</u>
	<b>TOTAL</b>	<b>\$ 2,857,536.93</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: July 8, 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: July 8, 2014

DATE: July 8, 2014

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

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

**ROLL CALL:** AYES: 6      NAYES: NONE      ABSTENTIONS: NONE

**CORRESPONDENCE:**

With regard to Item No. 2 of the correspondence, the N.J. Natural Gas Reception, Mr. Schweizer mentioned that if anyone is interested in attending, please contact Marilyn and she'll put you on the RSVP list. Regarding Item No. 3, the MUA was officially served with a Summons regarding Morris Commons and Brent Carney will give an update in closed session. As expected, the MUA did receive the letter from Ellen Sandman from the Borough of Mendham serving us notice that they will not continue in the Curbside program. Regarding Item No. 5, the County Preservation Project, County staff had produced this historic information chart which shows some of the activity in the Open Space Programs since its inception. It should be noted that the number of applications and the size of the grant request that came in 2014 is rather significant. He mentioned that last year was a very down year for interest in the program but it has not fallen away and it is back in full strength. Mr. Druetzler asked what is the recommendations of the Committee? Mr. Schweizer replied that he will discuss this matter in Old Business.

Letter dated June 16, 2014 to Glenn Schweizer from Patricia Gardner, Director, NJDEP, Division of Water Monitoring & Standards, regarding Public Hearing on the Total Maximum Load Report for the Non-Tidal Raritan River Basin Addressing Total Phosphorus, Dissolved Oxygen, pH and Total Suspended Solids Impairment.

Letter dated June 27, 2014 to Glenn Schweizer from Craig Lynch, Vice President-Energy Delivery inviting MCMUA to attend Morris County Public Officials Reception and Safety Forum.

Summons served on MCMUA on July 1, 2014 regarding Morris Commons, LLC vs. Township of Rockaway, Township of Rockaway Planning Board, Township of Dover, Township of Denville, Township of Jefferson, Borough of Rockaway, Borough of Wharton, Morris County Municipal Utilities Authority, et als.

Letter dated June 17, 2014 to Glenn Schweizer from Ellen M. Sandman, Administrator, Borough of Mendham serving as the required six (6) months prior written notice of the Borough's intention to terminate the curbside collection of recyclables agreement effective December 31, 2014.

Historic information on the County Preservation Trust Program – Municipal/Non-Profit.

NJ Spotlight Article dated June 13, 2014 entitled "NJ's Archaic Water System: The \$40B Problem In Search Of A Solution".

Letter dated July 2, 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 June 2014.

Letter dated July 2, 2014 to New Jersey Department of Environmental Protection from Anthony Milonas, Supervisor of Water Operations, regarding the Disinfectant Residuals Report for M.U.A. for the month of June 2014.

**ENGINEER'S REPORT:**

Chairman Dour liked the information on the Clyde Potts pump that it had 10 trillion revolutions on the pump and Mr. Scarmozza replied that the number of revolutions surprised him and after doing the calculation, it was right. He explained that the bearings on the motor failed and it completely destroyed the pump and motor. We are in the process of getting the pump rebuilt and we were advised that the motor was not worth trying to salvage and we have a replacement motor already. We are hopeful that Patterson will get us the impeller by tomorrow and we are hoping to get the pump installed on Friday. We are keeping Southeast Morris County M.U.A. updated so they know why we are not drafting water. Chairman Dour asked if we are going to have a new pump in the 2015 budget and Mr. Scarmozza replied yes.

Mr. Plambeck asked if Mt. Arlington fixed their lateral yet and how many days was it out? Mr. Scarmozza replied yes and it only took a day to fix it. Mr. Scarmozza explained that we left an 8" lateral service connection into this one particular property and they tapped the cap that was on the end of the pipe with a 2" copper service and it was the cap itself that was leaking. So they shut the service down, replaced the cap with a mechanical joint cap with retainer glands and hopefully that solves the problem.

Mr. Druetzler asked how we are doing with our water sales? Mr. Scarmozza replied that our water sales are not great and are about comparable with last year. He mentioned that we are producing more right now because Clyde Potts is down but once it comes back, we will probably drop back in line with where we were last year.

(Mr. Hudzik entered the meeting at 7:10 p.m.)

## **PROJECT STATUS:**

### **1. Roof Repair Project (RFP-14-2W)**

- A. Glenn Schweizer, Larry Kaletcher, Tony Milonas and John Scarmozza met with Michael Rodriguez from D&B Engineers to review the report and economic analysis for the roof repair options. The report recommended retrofitting the buildings with sloped roofs and there was unanimous agreement by the MCMUA to accept the recommendation. For budgetary reasons, the single project will have two phases and be b+id in September 2014. The first phase of the project will include the two Flanders wells and Mt. Arlington Pumping Station, the second phase will include four of the Alamatong Wells. D&B Engineers is proposing to install shed roofs on the buildings with all ventilation ducted to louvers on the high side of the roof, the roof covering will be raised seam metal roofing. The MCMUA hopes to get a 50 year service life from the new roofs.

### **2. SCADA Upgrades (RFP-14-1W)**

- A. Notice of Award and a draft contract were sent to PCS Pump & Process for the SCADA Integration Services. Upon receipt and approval of insurance, the contract will be executed; the MCMUA expects this to be completed by the end of July.
- B. Tony Milonas has completed the SCADA hardware enclosures for all of the Tanks and will begin work on the Clyde Potts Pumping Station and Randolph Mendham Meter Pit; work on the Mt. Arlington Pumping Station is more involved and will need to be done concurrent with PCS while they integrate the hardware.

### **3. Rehabilitation and Recoating the F.J. Markewicz Ground Storage Tanks (RFP-14-3W)**

- A. The RFP for the rehabilitation and recoating of the F.J. Markewicz ground storage tanks has been advertised for receipt of proposals on July 23<sup>rd</sup>. Work includes a tank inspection and evaluation report, budget estimate, bid specifications, bid services and construction observation and quality assurance.

## **GENERAL**

### **1. SYSTEM**

- A. Staff recently observed extended blow-off times of over an hour at Alamatong Well No. 8, up from 20 minutes. This appears to occur when aquifer levels are high which is the case now as a result of recent rainfall events. Well No. 6 was plagued with the same issue, which appears to be a characteristic of the aquifer that the wells were finished in.
- B. The Clyde Potts pump and motor failed on June 30<sup>th</sup>. The Clyde Potts pump is an end suction pump that has no bearings of its own and relies on the motor bearings for alignment. Staff was discussing the service life of the bearings (5 years of continuous operation equals 10 trillion revolutions) with the pump representative a few months ago and had decided to buy a replacement in the 2015 budget and do a swap out of the pump next springtime. Staff contacted A.C. Schultes who believes they can complete the pump and motor re-build in 7-10 days. Staff also contacted Southeast Morris County M.U.A. to advise them that we are unable to draft water in accordance with our contract until the pump is repaired.
- C. The replacement Mine Hill pump was installed on June 16<sup>th</sup> and placed back in service on June 18<sup>th</sup>. The replacement pump is performing at the design points and is running smoothly.
- D. A leak was suspected on the MCMUA 12" main in Howard Boulevard, however, upon acoustical investigation by Northeast Water Tech, it was determined that the leak was on a Mt. Arlington Borough lateral which they scheduled for repair on

June 30<sup>th</sup>. The leak was estimated to be 30 gpm which equal 1.2 million gallons/month.

- E. Leggette Brashears & Graham sent NJDEP the Rockaway Well Model and all back up data in the format that was requested by the State. After numerous offers, Jan Gheen from the Bureau of Water Allocation contacted the MCMUA and declined a meeting to discuss the model prior to the DEP review. Once NJDEP has completed their review, a meeting will be held to hear their determination.
- F. NJDEP notified the MCMUA that there was no construction permit issued for the Clyde Potts pumping station. MCMUA had assumed that the pump station permit had been included with the SMCMUA Water Treatment Plan permit as originally planned. Staff is preparing an “as-built” construction permit application for an “after the fact permit”.

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

Mr. Gindoff reported to the Board that the Vegetative Waste Report was included in their folders and mentioned that it is still lagging behind last year. On the solid waste end, we had a pretty good month in June where we were almost 8% above where we were last June.

Mr. Gindoff reported that he has been doing a lot of work on the transfer station procurement preparing certifications with Brent Carney. There will be further discussion on this matter in closed session.

Mr. Schweizer asked if the DEP confirmed the meeting on Debris Management in early August? Mr. Gindoff replied no; we have a meeting with DEP in early August which is one that they are going to meet with each of the Counties because they have a staff change to talk about, overall planning issues, debt issues and recycling issues. That meeting is confirmed. The meeting regarding Debris Management is one we should be doing between us and OEM but we are waiting for some feedback with respect to these tool kits that have been sent out to the municipalities and we want to see how much guidance they are going to need with respect to this, but we think there is going to be a need for a workshop.

Mr. Plambeck asked if the Open Space Trust Fund Committee Presentation on July 9<sup>th</sup> is at 4 p.m.? Mr. Schweizer replied that the presentation is scheduled for 4:30 p.m. at a workshop session and then a decision was made that they are going into a closed session which may take upwards of an hour so the consultants are planning to get there at 5 p.m. Some time between 5:00 and 5:30 they will have a consultant presentation before the Freeholders’ Meeting. He also mentioned that the consultants will be in the audience at the Public Meeting to answer questions from the public.

### **TRANSFER STATIONS**

**Tonnage** – For the month of June 2014, a total of 34,787 tons of solid waste was accepted at the two transfer stations. This tonnage for June 2014 represents a 7.96% increase over the 32,221 tons accepted a year ago in June 2013. Tonnage accepted during the second quarter of 2014 was 3.84% greater than the second quarter of 2013 which for the most part offsets the first quarter of 2014 when tonnage figures were 3.82 percent less than the first quarter of 2013. With the first six months of tonnage in at the transfer stations for 2014, it is currently projected that the transfer stations will accept 379,204 tons of solid waste in total for 2014. If this prediction holds true, the transfer stations will accept 0.63% more waste than the 376,825 tons accepted in 2013. Please reference the Transfer Station Disposal Report for additional information.

**Legal Challenges to the Transfer Station Procurement** – In a decision dated June 17, 2014, Judge Weisenbeck ordered the MCMUA to advertise for new bids to be received within sixty (60) days, which in the MCMUA’s discretion may be for a like term of four years. The order requires Mascaro to continue to operate the transfer stations pursuant to the emergency contract pending the rebidding process. While Judge Weisenbeck concludes that a “certified financial statement” does not mean an “audited financial statement” he finds that the only fair reading of the RFB’s requirement was to permit the MCMUA to satisfy itself that a bidder met the MFQs which could not be done with the “condensed financial information” provided by Mascaro at the time of bid as evidenced by the fact that the MCMUA needed additional financial information

after the bid. The Court notes that while it initially agreed with Mr. Sobel that Mascaro's bid submissions gave MCMUA adequate information, the Court now concludes the opposite. Counsel will be at the July meeting to discuss in greater detail this order, its impacts on the MCMUA and strategies to consider moving forward.

## **EMERGENCY DEBRIS MANAGEMENT PLANNING**

As discussed at the June MCMUA meeting, NJDEP is in the process of helping counties and municipalities plan for emergency debris management. In addition to designing a model for county debris management plans, the NJDEP recently released its *Disaster Debris Management Planning Toolkit for New Jersey Municipalities*. (Toolkit) This Toolkit helps towns plan for and designate Temporary Debris Management Areas (TDMAs) to be utilized when emergencies are declared. At a June municipal recycling coordinators meeting, staff went over the Toolkit with municipal recycling coordinators and asked them to start the process of considering which sites to designate as TDMAs in their municipalities. Likewise, the County Office of Emergency Management (OEM) sent out the Toolkit municipal OEM officials asking them to work with the recycling coordinators to get TDMAs designated and approved. The MCMUA and County OEM are likely to conduct a workshop on this matter for Morris County municipalities later on this summer to help facilitate their emergency debris planning.

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation and Events** - During June 2014, a total of 169 residents and businesses delivered waste to the permanent household hazardous waste (HHW) facility in Mount Olive. This is down in participation from the previous month of May 2014, when 198 participants used the facility. June 2014's participation represents a minor decrease from last year when 176 participants used the facility in June 2013.

The next HHW event will next event on September 13, at the Public Safety Complex and MXI will be the MCMUA's new HHW vendor in accordance with the contract awarded at the June meeting. In addition, there will be an October 18 disposal event at Chatham High School.

### **Vendor Contracts**

In late June requests for quotes for the both the used motor oil and oil filters accepted for recycling at the permanent HHW facility were issued. Quotes are scheduled to be received in July and it is anticipated that at the August meeting, a resolution recommending a recycling contractor with respect to these materials will be presented to the MCMUA Board for its consideration. Lorco Petroleum of Elizabeth, NJ has been the recycling contractor for these items over the previous several contracting cycles.

## **VEGETATIVE WASTE MANAGEMENT – June 2014**

**Facility Report** – The vegetative waste figures for June 2014 were still being compiled as of the writing of this report. As such, vegetative waste recycling report for June 2104 will be presented to the Board at the July 8 meeting.

## **OPEN SPACE TRUST FUND COMMITTEE**

Open Space applications arrived by June 20, 2014. For 2014, the county we received Eleven (11) applications covering 345.02 acres requesting \$21,112,250 from the trust fund, which is up from last year. Committee members will receive a presentation and information about the applications at the next meeting on Monday, September 8, 2014. Additional information about the application will be forwarded to members later in the summer. Site visits will occur in September 2014 with final presentation happening in October. Regarding the Preservation Trust Fund Analysis and Strategy Report, the consultant will present the findings and recommendations at the Freeholder work session on Wednesday, July 9 starting at 4 PM.

## **RECYCLING REPORT:**

Ms. Hourihan addressed a question brought up at last month's meeting regarding multiple violations by a single generator and when do we hand it over to the Office of Health Management for enforcement.

Ms. Hourihan reported that Chris Vidal of our office handles the violations that come into our office. Chris Vidal informed her that there was only one generator that had multiple violations since January 2014. We don't track the violations in that way but will start to moving forward. We also try to work with the generators before turning them over to the Office of Health Management.

### **Recycling Operations**

**Revenue and Tonnage** – The ReCommunity preliminary May statement was received June 6 in the amount of \$20,960. The tonnage collected by the MCMUA during June was 1,414 tons. The monthly tonnage is shown by material and by customer on the attached report.

**Curbside Contract with Mendham Borough** – The MCMUA received a letter dated June 17, 2014 stating that Mendham Borough is terminating its contract with the MCMUA effective December 31, 2014. This letter was expected after the Borough's bid solicitation for curbside services.

**Purchase of New Trucks** – Staff is still looking at different specifications for different rear-loading compactor trucks. We are considering purchasing a truck with a low-entry cab, so that the crew and driver can get in and out of the cab more easily. We've received several specifications for different brands that offer low-entry cabs and the prices are varied and as are the seating configurations in the cab for a second passenger. At this point, staff needs to evaluate what has been received to see if the low-entry cab still makes sense.

Staff awaits the delivery of the new mini-compactor truck, the purchase of which was awarded November 2013. There has been much discussion with the vendor, Route 23 Automall, regarding the delivery date as it pertains to the change order to add a winch to the vehicle. The change order was authorized at the March 2014 board meeting. Staff may have a resolution to present at the July or August board meeting to amend or rescind the change order.

### **Events/Education/Miscellaneous**

**Clean Communities – Slam Dunk the Junk:** So far, 18 schools have completed clean-ups and submitted their reports. There are 5 more schools which submitted applications, but have not yet submitted their reports. For the poster contest, 3 high schools and 3 middle schools submitted posters for the poster contest and the winners have been selected. They are:

- Corine Traccoli of Morris Knolls High School
- Claire Anderson of Ridgedale Middle School
- Sammi Chan of Morris Hills High School
- Madison O'Donnels of West Morris Central High School

**Educational Programs:** During June, MCMUA funded 12 educational programs at various schools and libraries around the County. **Road Clean-ups:** There were two road clean-ups in June on the 9<sup>th</sup> and 23<sup>rd</sup>. MCMUA curbside crews cleaned a total of 13 miles of road counting both sides.

**Recycling Inspections/Outreach** – In June, 20 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors.

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

- Target store at the Rockaway Mall and their hauler Waste Mangement regarding corrugated cardboard from a solar panel installation project.
- Galluzzo Brothers Carting and Crown Carting, both regarding vegetative waste in the containers from their generators.

At the June Board meeting there was discussion regarding repeat incidents of loads with recyclables delivered to the transfer stations and quantifying how often these repeat incidents are referred to the County Health Department, specifically Mike Flora, for enforcement. Chris Vidal,

who primarily works on these recycling incidents, said that referrals to the County Health Department do occur after she has made attempts to work with the parties involved, however, it is difficult to quantify these past referral occurrences. Staff can begin to track these occurrences and report them each month.

Chris did look back at records so far for 2014 and found that in one case so far this year, there was a referral for Toll Brothers, a construction company. Recycling incidents were detected for 12 loads from Toll Brothers in 2014. The loads were generated from 5 different construction sites. Staff met with Toll Brothers in 2010 and has been in contact with the company since then.

In March 2014, staff referred this company to Mike Flora and he issued NOV's (notices of violation) to both Toll Brothers and their hauler, Blue Diamond, for failure to recycle. Mike Flora and Chris Vidal met with Toll Brothers and Blue Diamond in April. It is anticipated that there will be further enforcement action, since another load was received on June 18.

Staff works closely with Mike Flora, and copies him on letters sent to haulers regarding recycling incidents and Mike is often invited to meetings with generators. Mike Flora also refers recycling violations, that he sees while doing inspections, to our recycling staff for follow-up.

Aside from Toll Brothers, there was an NOV issued in 2014 to Cardella Trucking, a hauler for Morristown Medical Center, for mandated materials included in the garbage. This action was taken directly by Mike Flora, during his own inspection, without involvement from MUA recycling staff. MCMUA recycling staff did notify the hospital of the issue.

**Bicycle Collection Event** – On Saturday, June 14, staff hosted a bicycle collection event along with Pedals for Progress. The event was once again held at the County College of Morris and Boy Scout Troop 173 helped prepare the bikes for transportation. A total of 54 bicycles and 3 sewing machines were received.

**2013 Municipal Recycling Tonnage Reports** – As of June 30, a total of 34 of the 39 municipal recycling tonnage reports for 2013 have been received. The reports were due to the NJDEP on April 30, 2014. It is normal that many of the reports are submitted after the deadline. Staff has contacted the municipalities with outstanding reports and they are all working on completing them. Staff continues to provide assistance to new personnel in Wharton Borough and Chester Borough who are completing the report for the first time. Additionally, Chester Borough does not have a certified recycling professional (CRP) to submit the report, so the MCMUA will submit it to the NJDEP on their behalf. The reports that have not yet been submitted are from:

Chester Borough  
Chester Township  
Madison  
Rockaway Borough  
Wharton

**Boat Shrink Wrap** – This year's first load of boat shrink wrap was delivered to ReCommunity on April 11 and the last load was delivered on June 30. A total of 15.26 tons were collected in 24 loads. For comparison, below is a summary of each year's tonnage total collected from Lee's Marina:

2008	11.08 tons
2009	7.84 tons
2010	12.52 tons
2011	13.98 tons
2012	11.53 tons
2013	14.13 tons
2014	15.26 tons

**Event Containers** – The MCMUA's event containers for recycling and garbage were lent to the following organizations during June:

- Washington Township for an event on the weekend of June 21.
- Montville Township for their Independence Day Celebration for June 26-28.

**Retirement of Penny Jones** – On Friday evening, June 13, staff held a retirement party for Penny Jones at the Cultural Center. June 30, 2014 was officially Penny Jones last day. It is anticipated that Penny will be returning to clean out her office and other materials in storage at the consolidation center in Dover. Penny worked for the MCMUA for over 29 years after starting part-time in 1985. She has been a driving force behind Morris County's recycling program for all those years and her abundance of energy and enthusiasm for recycling was felt by so many in Morris County and around the state. She will be missed. Staff has been discussing rearranging Penny's work and other work done by other staff into a new recycling specialist position.

**Miscellaneous Presentations/Meetings/Conference Calls/Correspondence**

- On Friday, June 6, staff participated as an exhibitor in the Morris County Wellness Fair for employees.
- On Saturday, June 14, staff attended the Fishawack festival in Chatham Borough as an exhibitor at the booth of the Environmental Commission.
- On Monday, June 18, staff held a Municipal Recycling Coordinators meeting. The meeting began with a tour of the Randolph recycling center given by Mark Caputo. Subsequently, a meeting was held at the Randolph community center. Larry Gindoff spoke about TDMA's or temporary debris management areas designated to be used in the event of a declared emergency. Laura Dillman, Americorps Watershed Ambassador for management area 8, gave a talk about clean-ups done on waterways in this watershed for the north and south Raritan River. Many thanks to Randolph for giving the tour and hosting the meeting. A luncheon followed to celebrate Penny Jones retirement.

Ms. Hourihan explained that the following resolution is for amending the change order that we did back in March to give the vendor a little more time to deliver a mini-compact which is to be delivered soon and asked for the Board's approval of same:

**RESOLUTION NO. 14-36**

**RESOLUTION AUTHORIZING THE AMENDMENT OF THE CONTRACT FOR THE PURCHASE OF ONE (1) NEW 2013 (OR NEWER) 4X2 TRUCK CHASSIS WITH 11 CUBIC YARD REAR-LOADING PACKER BODY REBID**

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) and Route 23 Automall LLC executed an agreement dated November 30, 2013 to Furnish and Deliver One (1) New 2013 (or newer) 4X2 Truck Chassis with 11 Cubic Yard Rear-Loading Packer Body; and

WHEREAS, the MCMUA later realized that a winch system is needed on this truck to enable the truck to dump rear-loading dumpsters; and

WHEREAS, on March 11, 2014, the MCMUA authorized resolution # 14-21 to include the winch; and

WHEREAS, Route 23 Automall LLC initially made no request for a time extension, but subsequently has requested an additional 21 days due to the addition of the winch; and

WHEREAS, the MCMUA agrees to this additional time request and additionally, the contract time is amended to begin upon contract execution instead of upon notice of award; and

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

1. The Executive Director is authorized and directed to amend the contract delivery time by an additional 21 days.
2. This resolution shall be effective upon receipt of signed Change Order from Route 23 Automall.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on July 8, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Barry made a Motion to authorize the amendment of the contract for the purchase of one (1) new 2013 (or newer) 4X2 Truck Chassis with 11 Cubic Yard Rear-Loading Packer Body Rebid and Mr. Plambeck seconded the Motion.

**ROLL CALL:** AYES: 7 NAYES: NONE ABSTENTIONS: NONE

**PUBLIC PORTION:**

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

**OLD BUSINESS:**

Mr. Schweizer reported that we are presently in a settlement arrangement with Grinnell Recycling, a company who we entered into an agreement with because they were violating waste flow control several years ago and they have been involved in a payment plan for the last three plus years. They are transitioning out of the waste transfer station business and they are going to lease their facility in Sussex County to a new recycling company and what they would like to do is to pay us off. They were asking our consideration to give them a discount if we accept payment in full within 30 days. So far we have received about \$54,000 from them over the last three years and they still owe us \$72,000. My recommendation is that we do try to negotiate a payout for various reasons; one is because if we get money, even a little less in hand, we will be better off based on the type of business they are in and there is a long list of people that they owe. The Board concurred with negotiating a settlement. Mr. Schweizer asked the Board for a Motion to authorize the Executive Director to negotiate a settlement which includes a discount in the range of 10-15%. Mr. Platt made a Motion to authorize the Executive Director to negotiate a settlement which includes a discount in the range of 10-15%. Mr. Druetzler seconded the Motion and it was carried unanimously.

With regard to the Preservation Trust Fund, Mr. Schweizer mentioned that in the Board packets is a one page summary prepared by the consultant and the Planning staff. Mr. Schweizer commented that the summary does provide a good overview of what the project included which is a pretty intensive data gathering effort where they went through a series of interviews and questionnaires with everyone that is associated with open space projects in planning and development within the County, including non-profits and municipalities. They also did an extensive analysis to document and accumulate information on the previous programs. One of the key elements of the analysis was to conduct an economic impact analysis on the program to date and essentially there is a direct relationship between preserving open space in its various forms and with the economic base here in Morris County including the high quality of life ranking which Morris County has experienced. They also by virtue of the discussions with the program managers in the County and most importantly with the non-profits and municipalities went through a discussion of potential future projects and based on all that under their recommendations, they have found that there is further need for funds. Based on input from the municipalities and a ten year horizon and estimate, they concluded that a significant amount of preservation trust money will be needed to support all the programs; the Historic Preservation, the flood programs, open space program where they provide money to the municipalities to acquire property within their borders, farmland preservation program, Morris County Park Commission program, as well as providing funding to the Morris County M.U.A. One of the significant issues that was raised by

municipalities was the need for use of the funds to help with the restoration and management of existing acquired properties. So by referendum they are considering a reduction of the maximum to 4 ½ cents and they will provide the ability to use part of the funds to do habitat restoration, management and monitoring.

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

**NEW BUSINESS:**

With regard to open space, the MUA was approached by the Mayor and Council of Rockaway Borough and consultant, Trust For Public Land, requesting our assistance in acquiring a two acre piece of property known as the Ogden parcel located near the intersection of Ogden and Drake Avenues in the Borough of Rockaway. All three of the Borough wells are located very close to the site and the property lies within the wellhead protection area for all the wells, as well as the prime ground water recharge area. This is an excellent project for the MUA and the value is a little less than \$200,000. Mr. Schweizer would like to advise Rockaway Borough that the MUA will support them and advised that the MUA would be making a major contribution since the Borough has no funds. The Board is in agreement with supporting this project and authorized Mr. Schweizer to advise Rockaway Borough of the MUA's support of the project.

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

Chairman Dour read the following Resolution for the meeting to go into closed session at 7:40 p.m. for discussion regarding pending litigation regarding Morris Commons, LLC vs. Township of Rockaway, Township of Rockaway Planning Board, Morris County M.U.A. et als, Docket No. MRS-L-3271-07, as well as Waste Management of New Jersey, Inc. and Covanta 4Recovery LP v. Morris County Municipal Utilities Authority and Solid Waste Services, Inc. combined Docket Nos. MRS-L-267-12 and MRS-L-268-12:

**RESOLUTION AUTHORIZING A CLOSED SESSION FOR DISCUSSIONS  
REGARDING PENDING LITIGATION INVOLVING THE AUTHORITY**

WHEREAS, the Morris County Municipal Utilities Authority desires to discuss various matters in connection with pending litigation; and

WHEREAS, the Morris County Municipal Utilities Authority is authorized to conduct a closed session in each of these instances pursuant to N.J.S.A. 10:4-12(b)(7) and N.J.S.A. 10:4-12(b)(5).

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

1. A closed session will be held immediately following the Public Portion of this meeting regarding pending litigation regarding Morris Commons, LLC vs. Township of Rockaway, Township of Rockaway Planning Board, Morris County M.U.A. et als, Docket No. MRS-L-3271-07, as well as Waste Management of New Jersey, Inc. and Covanta 4Recovery LP v. Morris County Municipal Utilities Authority and Solid Waste Services, Inc. combined Docket Nos. MRS-L-267-12 and MRS-L-268-12.

2. The matters discussed during this closed session relating to pending litigation shall be recorded and duly approved by the Board but shall be held in confidence and shall not be made available for public disclosure until such time as the matter has been settled, an unappealable decision has been rendered by a court of competent jurisdiction or as otherwise required by law.

MOTION: Mr. Barry made a Motion for the meeting to go into closed session at 7:40 p.m. and Mr. Plambeck seconded the Motion.

ROLL CALL: AYES: 7 NAYES: NONE ABSTENTIONS: NONE

The meeting returned to open session at 8:22 p.m. with a Motion made by Mr. Plambeck, seconded by Mr. Hudzik and carried unanimously.

There being no further Business, Chairman Dour asked for a Motion to adjourn the meeting at 8:23 p.m.

MOTION: Mr. Hudzik made a Motion to adjourn the meeting at 8:23 p.m. and Mr. Plambeck seconded the Motion and it was carried unanimously.

---

Marilyn Regner  
Secretary

/mr