

## MINUTES OF REGULAR MEETING

OCTOBER 7, 2014

The Regular Meeting of the Morris County Municipal Utilities Authority was held on October 7, 2014 at 7:00 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: Ms. Laura Szwak, Mr. Frank Druetzler, Mr. Fletcher Platt, Mr. Richard Plambeck, and Mr. Christopher Dour.

Dr. Arthur Nusbaum entered the meeting at 7:02 p.m.

ABSENT: Mr. James Barry, Mr. William Hudzik 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 LLP; 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 September 9, 2014.

MOTION: Mr. Plambeck made a Motion to approve the Minutes of the Closed Session and Regular Meeting of September 9, 2014 and Ms. Szwak seconded the Motion.

ROLL CALL: AYES: 5 NAYES: NONE ABSTENTIONS: NONE

(Dr. Arthur Nusbaum entered the meeting at 7:02 p.m.)

### TREASURER'S REPORT:

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating, Water Operating and Capital Accounts for the month of September 2014. Also included are the Comparative Balance Reports for the Solid Waste and Water Divisions, as well as the investment report for the month of September 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. 14-45

**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. 14-45 containing 7 pages for a total of \$3,085,818.35 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

CAPITAL FUNDS	1104-1106	\$ 17,756.68
WATER OPERATING FUNDS	2635-2672	176,343.07
SOLID WASTE OPERATING	4677-4771	<u>2,891,718.60</u>
	<b>TOTAL</b>	<b>\$ 3,085,818.35</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: October 7, 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: October 7, 2014

DATE: October 7, 2014

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

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

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

Mr. Kaletcher advised the Board that the MUA participated in a reverse on-line auction on September 23<sup>rd</sup> and secured a fixed electricity generation rate of 9.16 cents per kilowatt hour with Major Energy Services. Although this is higher than we have been paying the last two years, it is still less than the 9.813 cents that we would have paid with JCP&L. This will result in a savings of approximately \$64,000 over the two year term of the contract. Mr. Schweizer mentioned that they expect an increase in JCP&L's rate after June 1<sup>st</sup> of next year so the savings could be more.

Mr. Kaletcher mentioned that next month we will be introducing the 2015 budget. The original plan was to introduce the budget at tonight's meeting but we are still waiting on significant information regarding pensions, medical insurance and Council 6 and 6A rate increases.

Chairman Dour mentioned that he just heard today that State agencies are limited now in the number of years you can have the same auditor and asked if that is coming down to the County level? Mr. Kaletcher said this is the first I am hearing of it but I'll definitely look into that. Chairman Dour added he thinks it was for a six-year time period.

Mr. Platt asked a general question regarding large balances in a checking account and realizes it is hard to earn money today in short term deposits, is that why it is carried in the checking balance? Mr. Kaletcher replied that the plan was towards the end of this year to possibly move some of the funds that we have, specifically in our Solid Waste Account, to financial products that would get more for our money in terms of interest. I would have to reach out to various financial institutions to move whatever amount we decide, but we would want to leave enough cash to cover upcoming Capital projects as well.

## **CORRESPONDENCE:**

Mr. Schweizer mentioned Item No. 2 of the correspondence, which was the letter sent to the MUA water customers in response to the Morris Commons lawsuit and will defer this conversation to closed session. Mr. Druetzler asked if the MUA received any responses and Mr. Schweizer replied over the phone yes but none officially in the mail yet.

In the Board packet this evening, there is a piece of correspondence, the Recycling Quality Alert issued by Re-Community sent to all of its customers asking everyone to insure that there is no non-conforming material mixed in with recycling, as there has been a lot of contamination in the market place which has driven down the price return for the marketing of the recyclable materials.

Dr. Nusbaum asked what percentage of recyclable material is rejected because of contamination? Mr. Schweizer replied that he doesn't believe that our material has ever been rejected because of quality at Re-Community. He mentioned that this a global issue that they are finding when they marketing it especially with the overseas markets and the China Wall. He added that our residue levels are pretty low at the recycling facility and Ms. Hourihan mentioned that it varies in the range of 9-13%. She mentioned that we have heard that other markets are at 20-25%. Ms. Hourihan added that Re-Community's equipment is better at sorting the material and handling it better.

Mr. Plambeck commented that we have the same situation on the solid waste side and we reject some loads because they've got recyclable materials in them and do know what the percentage of rejections are? Mr. Gindoff replied that we don't reject loads, we inform and educate the generators and try to stop it. The percentage of loads coming into the transfer stations with excessive amount of recyclable materials is less than one percent.

Mr. Schweizer passed around an article about Robert Chernow, a former MUA Board Member, and green energy.

Letter dated September 10, 2014 from James Montgomery, NJDEP, Bureau of Water System Engineering, to John Scarmozza advising that the application submitted by the MCMUA to modify the existing interconnection between the MCMUA and Southeast Morris County M.U.A. has been reviewed and is administratively complete.

Certified Letter dated October 1, 2014 to MCMUA Water Customers not named in the Morris Commons lawsuit from Glenn Schweizer inquiring about available surplus water within the volumes identified in their MCMUA water supply contract as ordered by Judge Weisenbeck.

Daily Record Article entitled "Roxbury views plan for Hercules redevelopment".

Letter dated October 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 September 2014.

Letter dated October 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 September 2014.

## **ENGINEER'S REPORT:**

Mr. Scarmozza updated the Board on the following matters: Regarding the blow-off times on Alamatong 8, he reported that they have become more extended than they have been in the past and

they are also now occurring during operation, switching from pumping to blow-off and back again. Earlier in the season when well levels were high, we thought the increase in turbidity was because of the high water levels in the aquifer, but now the levels are low and we're thinking it's because of low levels in the aquifer; regardless of why, it's an issue. He mentioned that Suburban Consulting Engineers was on-site regarding the tank painting project and we opened up a discussion with them about the turbidity condition. As a result, I requested that they provide us with a proposal to investigate the condition and the potential of adding some type of filtration system. They'll do a report and economic analysis to determine when the amount of water that we are wasting becomes prohibitive and treatment becomes economical.

Mr. Scarmozza added that he believes that Andrew Holt did a very good job in preparing the proposal and would recommend to the Board that we move forward the study, especially if the well is showing signs of providing lower quality water. So far this year the MUA wasted about 20MG and if that is going to increase, we should try to recover some of that through a pressure filter. The report will identify the treatment options that are available and give us an estimate of what the cost to retrofit the well will be, as well as make recommendations as to when we would pull the trigger on that type of project.

Dr. Nusbaum asked what the blow-off is? Mr. Scarmozza explained that it is an automated system of valves that flow water to waste until the water quality reaches 1 NTU and the water is redirected into the system. When the MUA drilled the well, we didn't realize that the formation that Well 6 and now Well 8 are in was a dirty formation. We have noticed, especially this past July and August, the blow-offs at start-up, which are always dirty, were becoming longer and during operation, we had events where it would switch back to blow-off for three or four hours and then back into the system. 1,000 gpm is a lot of water to waste. We thought that when we re-drilled the well that it would clean up, but apparently that is not the case. We are not going to do anything further with the well, so the next step is to look at the possibility of adding treatment if it is economically warranted.

Mr. Plambeck asked if the State has any regulations with regard to excess blow-off conditions? Mr. Scarmozza replied that it actually goes against our allocation and there are no other ramifications except that it is cutting into our allocation. We had set aside a very small portion of our allocation for that purpose.

Mr. Schweizer asked for a Motion to move forward with Suburban Consulting Engineer's proposal.

MOTION: Mr. Druetzler made a Motion to move forward with Suburban Consulting Engineer's proposal and Mr. Plambeck seconded the Motion.

ROLL CALL: AYES: 5            NAYES: NONE            ABSTENTIONS: Mr. Platt

Regarding an Asset Management Plan, Mr. Scarmozza advised the Board that Jacobs Engineering contacted the MUA and asked if they could come and meet with us regarding an idea they were developing. Mr. Scarmozza mentioned that an Asset Management Plan is something that the State is also promoting and they would like water and sewer utilities to develop these plans as a planning tool and also as an operation and maintenance tool. He further explained that Jacobs Engineering has a program where they are going to get a certain amount of funding to basically do a research study with a small, medium and large utility to quantify the level of effort required in developing an Asset Management Plan. The Water Research Institute would provide a portion of the funding, possibly up to 50%.

Mr. Scarmozza said that he believes that this is a good time to have whoever is taking his place to participate in this study and at the same time learn about the MUA system and facilities. He asked the Board's permission to go to Jacobs Engineering and ask them to prepare a proposal, for staff and Board review, and if it looks like something we want to get involved with, then we will proceed.

Ms. Szwak asked if the assets include land and Mr. Scarmozza replied no, it is just the infrastructure.

Mr. Platt commented that he certainly agrees that the development of an Asset Management Plan is appropriate and necessary and DEP is now requiring it and agencies are applying for infrastructure loans, so the MUA should do this. He suggested that the MUA develop an RFP and not just give it to one firm. Dr. Nusbaum asked what would this tell the MUA that we don't already know or is this more of an organizational tool to gather all the facts, studies and structures we have and lay it out more clearly. Mr. Scarmozza replied that this is organizational tool. He also mentioned that the MUA has an informal Asset Management Plan and certain MUA personnel have knowledge of things that need to be done, such as timetables, and other pertinent information but nothing is in writing and it is important to document that for a variety of reasons as people continually move on and take that knowledge with them. Mr. Scarmozza added trying to do this without the Asset Management software becomes very cumbersome.

The Board discussed the merits of preparing an RFP. Mr. Schweizer explained to the Board that Jacobs is trying to bring a couple of interested parties to the Institute, and then they are presenting this as a grant package to the Water Research Institute. Jacobs wants to do a range of Asset Management Plans to identify the level of effort required and make this a teaching tool for agencies that may not want to prepare asset management plans. We will be helping with the education process and because of that presumably we are going to get a deal.

Mr. Platt asked if Jacobs left any information with the MUA? Mr. Scarmozza replied no. Mr. Schweizer mentioned that Jacobs Engineering is waiting to see if the MUA is interested in being a candidate agency, in the interim we asked them to submit a qualification statement. Jacobs Engineering was formerly Edwards & Kelcey. Chairman Dour asked what is the timing with the Water Research Institute and Mr. Schweizer replied they need to know by December.

Mr. Carney mentioned that under the law, the MUA is not required to do an RFP. He mentioned that an RFP is what you do if you want competition and are trying to get the lowest rate. Mr. Platt suggested getting the proposal from Jacobs Engineering and looking at the numbers to see if it is in the range that you are comfortable with awarding without competition. Chairman Dour commented that supposedly because of the funding from the Water Research Institute, we would get a lower cost than if we went out with an RFP.

The Board concurred to have MUA staff get a proposal from Jacobs Engineering and look at it and decide whether it is necessary to move forward with an RFP. Mr. Platt asked if Jacobs Engineering has done these studies before and Mr. Scarmozza replied that they did one for United Water. Mr. Platt suggested that the MUA ask for references for Jacobs Engineering.

Ms. Szwak asked how do you do an acoustical leak detection survey. Mr. Scarmozza explained we hire a subcontractor to go out at night when there is less traffic and they put these listening devices on the valve stems and listen for certain sounds; it is a sophisticated piece of equipment. Each year the MUA does a certain portion of the system.

## **PROJECT STATUS:**

### **1. Roof Repair Project, Contract No. 36**

- A. The MCMUA released 20 sets of bid documents and received 5 bids for Contract No. 36. The low bid from Arista Builders & Designers at \$730,000.00 was significantly higher than the Engineer's Estimate of \$427,000.00. B&D Engineers contracted the three low bidders to determine what caused their prices to exceed the estimate, and if anything can be done to salvage the sloped roof replacement project. At this time no determination has been received from B&D Engineer, consequently no decision to award or reject the bids has been made either.

### **2. SCADA Upgrades**

- A. PCS is preparing to begin the SCADA upgrades in mid-October with the Clyde Potts Pumping Station, followed by the Markewicz and Mt. Arlington stations, the tanks and miscellaneous locations.

**3. Contract No. 22R-12, Dover Chester Rd. 3 MG Water Storage Tank Rehabilitation...**

- A. The one year anniversary inspection of the Dover Chester Rd. Water Storage Tank by submersible remotely operated vehicle (ROV) is scheduled for November when the diving subcontractor is back in the northeast. The exterior surface inspection was conducted on September 11<sup>th</sup> and the condition was found to be excellent; during the inspection CorrPro, the Corrosion Protection (CP) subcontractor, was also on site to activate the CP system and educate the MCMUA staff on operation and maintenance of the equipment.

**4. Rehabilitation and Recoating of the F.J. Markewicz Pumping Station Ground Storage Water Tanks**

- A. Anthony Milonas and John Scarmozza met with Suburban Consulting Engineers at the Markewicz Pumping Station to review the two ground storage tanks archive files in preparation to beginning the Professional Service Contract for their rehabilitation and recoating. As reported above, the submersible ROV will not be available until November to perform the inspection of the tanks' interior condition. In order not to delay the project, the MCMUA offered to draw the tank levels down to where Suburban could inspect the interior without the ROV. That process will begin on September 29<sup>th</sup> and end on October 3<sup>rd</sup> with the tanks refilled to normal operating levels. At the same time Suburban will take paint chip samples to analyze the interior and exterior coatings for lead; if present lead abatement will be included in the bid specifications.

**5. Contract W-14 Furnish & Deliver One (1) 1,000 Gallon Fuel Hopper With Accessories**

- A. As reported last month, no bids were received for Contract 7R-14, Markewicz Pumping Station Standby Generator Auxiliary Fuel Storage Tank. Contract 7R-14 had been prepared as a Furnish and Install Contract; the MCMUA revised the project to now be a Furnish and Deliver Contract with the installation work being completed by MCMUA personnel or subcontractors. The MCMUA received one bid for Contract W-14 from Don Longo, Inc. in the amount of \$20,532.62. The bid was responsible and responsive, and below the Engineer's Estimate of \$25,000.00. Consequently, a resolution recommending award of Contract W-14 to low and only bidder Don Longo, Inc. will be presented to the board at the October 7<sup>th</sup> meeting.

**GENERAL**

**1. SYSTEM**

- A. The MCMUA completed an acoustical leak detection survey of about 1/3 of the system on September 9th. This survey coupled with the leak detection survey performed by Mt. Arlington along Howard Blvd. completes the MCMUA biennial leak detection of the northwesterly half of the piping system. The MCMUA surveys half of the piping system each year so that the entire system is surveyed every two years.
- B. The vertical turbine pump motor in Alamatong Well No. 1 blew on its last run day of the year. Alamatong Wells 1 & 2 are seasonal wells and were being run for the last time this season to collect Unregulated Contaminant Monitoring samples when the motor burned out. The motor was old, having been transferred from the old pump to the new pump in 2004 during the pump replacement program. A new motor will be purchased since the cost to rebuild the motor is almost equal to the purchase price of the new motor.
- C. On September 22<sup>nd</sup> Randolph had another main break on the same main that broke on August 18<sup>th</sup>. This break didn't impact the MCMUA as much as the previous break since it occurred during work hours and Randolph DPW was able to respond more quickly to the event. This part of the Randolph distribution system is unlined cast iron pipe which may be displaying signs of deterioration due to some type of corrosive activity.

- D. The MCMUA completed its second round of Unregulated Contaminant Monitoring samples which is part of a USEPA unfunded mandate program. The samples were collected by MCMUA personnel on September 16<sup>th</sup>; receipt of the samples was confirmed by the lab on September 22<sup>nd</sup>. The laboratory furnishes the results directly to the USEPA in the format required; copies of the results will also be furnished to the MCMUA.
- E. Glenn Schweizer, John Scarmozza and Anthony Milonas met with representatives of Jacobs Engineering for a presentation on Asset Management for the Water division. Jacobs is promoting a research program with some funding from the Water Research Institute to develop a pilot study on the required levels of effort for a large, medium and small utility to develop an Asset Management Plan. Since the Water Division will be in somewhat of a transition during 2015, this is an opportune time to consider documenting the 'institutional memory' of the Water Division in a formal Asset Management Plan.
- F. Glenn Schweizer, John Scarmozza and Frank Getchell from Leggett, Brashears & Graham met with NJDEP Deputy Commissioner Fred Sickles and the Bureau Chief and staff of the Bureau of Water Allocation and Well Permitting on September 19<sup>th</sup> to discuss the MCMUA Rockaway Well. While DEP did not give a determination on the MCMUA receiving an allocation for the well pending receipt of some additional information from LBG; they strongly signaled that an allocation from the well was unlikely. The well's potential impact on contaminated sites (DEP believes that the impacts are probable) in Picatinny Arsenal and around the area is the reason for their reluctance to consider a permit. They also mentioned that the MCMUA operation would conflict with the Highlands Plan and as a result the Highlands could not issue a 'consistency determination' for the allocation. DEP staff again brought up the possibility that the Scrub Oaks Mine Well, because of its peculiar hydro-geology, may offer the MCMUA a less difficult source to permit. If the well appears viable after review by DEP staff, Fred Sickles offered to take the concept to Highlands for vetting in an effort cut through some of the red tape. The MCMUA was surprised and gratified by the offer.
- G. Operating staff observed changes in the blow-off period for Alamatong Well No.8. In the spring when aquifer levels were high, the extended blow-off times were attributed to undeveloped parts of the aquifer contributing to the well; however, due to the dry summer aquifer levels are low, lower than they had been since the well was put in service and the blow-off times are even longer than in the spring. Blow-offs are now occurring during operation, not just at start up and have had durations up to 8 hours. This has resulted in a significant volume of 'wasted' water; since we already know the aquifer is 'dirty', staff felt any further effort to reduce turbidity should be directed toward treating the water. As no one on staff is qualified to quantify the condition or evaluate filtration options, the Chief Engineer asked Suburban Consulting Engineers for a proposal to perform a study and report upon the water quality from Well 8, filtration options, feasibility of adding treatment and analysis of the cost, along with identification of the economic threshold when the cost of wasting water exceeds the cost of treatment. Attached for review by the board and discussion at the meeting is Suburban's proposal.

Mr. Scarmozza asked for the Board's approval of the following Resolutions:

RESOLUTION NO. 14-46  
RESOLUTION REJECTING BIDS FOR CONTRACT 36,  
NEW ROOF STRUCTURE AND ROOF AT SEVEN PUMPNG STATIONS,  
NEW ROOF INSTALLATION PROJECT

WHEREAS, the Morris County Municipal Utilities Authority ("the Authority") received bids on September 25, 2014 for Contract 36, New Roof Structure And Roof At Seven Pumping Stations, New Roof Project; and

WHEREAS, the Authority received five bids which were submitted by:

- a. Arista Builders, Jackson, NJ - \$730,000
- b. Posyllo GC Corporation, Brooklyn, NY - \$789,000
- c. Northeast Maintenance, Perth Amboy, NJ - \$835,000
- d. Pal-Pro Builders, Elmwood Park, NJ - \$837,000
- e. GL Group, Bloomingdale, NJ - \$1,244,760

WHEREAS, the Authority has received a report from the Chief Engineer advising that all bids received are substantially in excess of the Engineer's estimate for the project;

WHEREAS, the Authority finds that all bids should be rejected on account of the fact that all exceed the Engineer's estimate for this project.

NOW, THEREFORE, BE IT RESOLVED, by the Morris County Municipal Utilities Authority in the County of Morris and State of New Jersey on this 7th day of October, 2014 as follows:

- 1. All of the bids are hereby rejected for the reason herein above stated.
- 2. The Executive Director shall return the bid security to the aforesaid bidders.
- 3. The Executive Director is authorized and directed to re-bid the project through the public advertisement for bids pursuant to the Local Public Contracts Law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on October 7, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Druetzler made a Motion to reject the bids for Contract 36 and Mr. Platt seconded the Motion.

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

RESOLUTION NO. 14-47  
RESOLUTION TO AWARD CONTRACT NO. W-14  
FURNISH & DELIVER ONE (1) 1,000 GALLON FUEL HOPPER WITH ACCESSORIES

WHEREAS, the Morris County Municipal Utilities Authority ("MCMUA") received sealed bids for Contract No. W-14 to furnish and deliver a 1,000 gallon fuel hopper to the F. J. Markewicz Pumping Station; and

WHEREAS, the same have been reviewed by MCMUA for compliance with the bid specifications and the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the MCMUA has made the following findings and determinations.

- 1. The amounts bid are set forth below:

<u>Bidder</u>	<u>Total Bid</u>
Don Longo, Inc., Chester, New Jersey	\$ 20,532.62

2. The low and only bid received from Don Longo, Inc. is below the budget estimate and is the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Morris County Municipal Utilities Authority in the County of Morris and State of New Jersey on this 7th day of October, 2014 as follows:

1. The Authority hereby awards and the Executive Director is authorized and directed to execute a contract with Don Longo, Inc., 1635 U.S. Highway 206, Chester, NJ 07930 in the Contract entitled "Contract No. W-14, Furnish & Deliver One (1) 1,000 Gallon Fuel Hopper With Accessories" in the amount of \$20,532.62.
2. The Treasurer of the MCMUA has certified funds are available from the 2014 Water Division Budget line item Minor Construction 14-02-6-300-800-019 in the amount of \$20,532.62.
3. The Executive Director is authorized and directed to forward notice of award to Don Longo, Inc.
4. This Resolution shall take effect as provided by law.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on October 7, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Plambeck made a Motion to award Contract W-14 to Don Longo, Inc. in an amount of \$20,532.62 and Mr. Platt seconded the Motion.

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

As a result of John Scarmozza mentioning that he is going to retire next year, Mr. Platt strongly suggested that we are pursue a replacement and provide some time for transition of knowledge.

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

Mr. Gindoff mentioned that the tonnage at the transfer stations was actually 33,626 tons instead of 33,418 tons as projected which is a 3.96% increase over the previous month.

With regard to the roof project at the transfer stations, Mr. Gindoff would like to proceed with the proposal submitted by the Alaimo Group and the Board concurred.

With regard to the Route 206 sign, Mr. Gindoff reported that our request for a sign on Route 206 for our HHW Facility was denied. We are looking at other options.

Mr. Gindoff informed the Board that he attended the initial kick-off meeting today for the Morris County Hazard Mitigation Stakeholders meeting. He explained that this is a Hazard Mitigation Plan that the County is going to develop over the next 12 months to update the County's 2010 Hazard Mitigation Plan. He is representing the MUA on this Stakeholders Committee along with other County personnel. All municipalities will be going through a similar process and they have their kick-off meeting on October 20<sup>th</sup>. This is FEMA trying to get the County to look at the hazards that we keep encountering on all the disasters year in and year out to see if we can mitigate them to prevent FEMA from paying for the disaster reliefs over and over. It is supposed to be a plan where we identify issues that can be mitigated and hopefully we will get money to mitigate these projects. The plan is supposed to be updated by December 2015 and Tetra Tech is the consultant that the County hired to run the plan process.

Mr. Gindoff mentioned that in a couple of weeks he will be attending the open space presentations for the Open Space Trust Fund properties that are looking for funding and he will advise the Board of the outcome in November.

Finally, Mr. Gindoff reported that the MUA has been doing a lot of work on the transfer station re-bid in accordance with all of the requirements of the court cases and the Judge's Order. The transfer station bid has been submitted to the Office of State Controller (OSC) for their 30 day review. If everything goes according to the Judge's scheduling, we should have this noticed on November 3<sup>rd</sup> for a 60 day review period with bids coming in by January 6th. Mr. Carney added that in Larry Gindoff's letter to the OSC is another request for them to waive the 30 day review period or the alternative if they don't, do an expedited review.

Mr. Gindoff asked for the Board's approval of the following Resolutions:

RESOLUTION NO. 14-48  
RESOLUTION AUTHORIZING THE ISSUANCE OF PUBLIC ADVERTISEMENT  
FOR THE RECEIPT OF BIDS FOR OPERATING THE TWO MORRIS COUNTY SOLID  
WASTE TRANSFER STATIONS, LOCATED IN PARSIPPANY-TROY HILLS TOWNSHIP  
AND MOUNT OLIVE TOWNSHIP, INCLUDING PROVIDING TRANSPORTATION AND  
DISPOSAL OF ALL SOLID WASTE RECEIVED AT THE TRANSFER STATION  
FACILITIES

**WHEREAS**, on June 17, 2014, in the matter of Waste Management of New Jersey, Inc. v. Morris County Municipal Utilities Authority and Solid Waste Services, Inc. d/b/a Mascaro & Sons, Docket No. MRS-L-2627-12 (consolidated with) Covanta 4Recovery, L.P., et al. v. Morris County Municipal Utilities Authority and Solid Waste Services, Inc. d/b/a Mascaro & Sons, Docket No. MRS-L-2686, the Superior Court of New Jersey, Law Division, Ordered the Morris County Municipal Utilities Authority to advertise for new bids for operating the two Morris County Solid Waste Transfer Stations, located in Parsippany-Troy Hills Township and Mount Olive Township, including providing transportation and disposal of all solid waste received at the transfer stations; and

**WHEREAS**, by Amended Order, dated August 21, 2014, the Superior Court of New Jersey, Law Division, clarified that: (1) the preparation of the new bid documents was to be completed on or before September 30, 2014; (2) notice to the New Jersey Office of the Comptroller ("OSC") shall be submitted on or before October 1, 2014 requesting the OSC to waive its thirty day review period before advertisement for the receipt of bids may commence

and/or a request the OSC for expedited review of the draft bid document; (3) publication of the notice for the receipt of bids by November 3, 2014 or such shorter time period permitted by the OSC; (4) receipt of bids no later than January 6, 2015; and (5) unless all bids are required to be rejected in accordance with law, a contract shall be awarded no later than February 10, 2015; and

**WHEREAS**, the Authority has drafted new bid specifications that were received by the OSC on October 1, 2014, together with notice to the OSC requesting waiver of the thirty day review period, and in the event that the OSC will not waive its review, a request for expedited review; and

**WHEREAS**, the Authority desires to authorize the issuance of public advertisement, nationally and locally, for the receipt of bids for Operating the two Morris County Solid Waste Transfer Stations, Located in Parsippany-Troy Hills Township and Mount Olive Township, Including Providing Transportation and Disposal of All Solid Waste Received at the Transfer Stations Facilities, on file at the offices of the Authority, upon receipt of a determination by the OSC to either waive its review of the bid documents or upon the completion of the bid document review by the OSC.

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

1. The Authority's staff is authorized and directed to issue public advertisement, nationally and locally, for the receipt of bids for Operating the two Morris County Solid Waste Transfer Stations, Located in Parsippany-Troy Hills Township and Mount Olive Township, Including Providing Transportation and Disposal of All Solid Waste Received at the Transfer Stations Facilities, on file at the offices of the Authority, in accordance with the "fair, open and competitive process" as set forth in the case of Harvey & Harvey, Inc. v. County of Chester, 68 F.3d 788 (3d Cir. 1995), cert. denied, Tri-County Industries, Inc. v. Mercer County, 516 U.S. 1173 (1996) and Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, 112 F.3d 652 (3d Cir. 1997), cert. denied, Essex County Utilities Authority v. Atlantic Coast Demolition & Recycling, Inc., 522 U.S. 966 (1997) upon receipt by the Authority of a determination by the OSC that it has completed its review of the bid documents and upon incorporation into the bid documents of any necessary revisions required by the OSC, or upon receipt by the Authority of a determination by the OSC that it has waived its review of the bid documents.

2. The Executive Director is authorized to take all actions necessary and appropriate to implement this Resolution.

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 Regular Meeting held on October 7, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Druetzler made a Motion to authorize the Issuance Of Public Advertisement For The Receipt Of Bids For Operating The Two Morris County Solid Waste Transfer Stations, Located In Parsippany-Troy Hills Township And Mount Olive Township, Including Providing Transportation And Disposal Of All Solid Waste Received At The Transfer Station Facilities and Dr. Nusbaum seconded the Motion.

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

RESOLUTION 14-49  
RESOLUTION AWARDING EXTENSION OF CONTRACT  
FOR THE MARKETING OF CLASS D RECYCLABLE MATERIALS  
(LEAD ACID BATTERIES)

**WHEREAS**, on Tuesday, October 9, 2012, the Morris County Municipal Utilities Authority (“MCMUA”) awarded a Contract for the Marketing of Class D Recyclable Materials (Lead Acid Batteries) to Veolia ES Technical Solutions, L.L.C., 218 Canton Street, Stoughton, MA, 02072, for a term of one (1) year, with an option to extend the terms of the contract, to be exercised at the discretion of the MCMUA, for two (2) additional one-year periods; and

**WHEREAS**, the MCMUA extended the terms of the original contract for the first aforementioned additional one (1) year period on Tuesday, December 10, 2013; and

**WHEREAS**, the MCMUA seeks to extend the terms of the original contract for the second aforementioned additional one (1) year period; and

**WHEREAS**, the Executive Director of the MCMUA is authorized and directed to extend the terms of the original contract with Veolia ES Technical Solutions, L.L.C., for an amount not to exceed \$840.00 for a term of one (1) year; and

**WHEREAS**, the MCMUA Treasurer has certified that funds are available in line item -

Household Hazardous Waste 4-01-1-600-800-726 to pay the entire contract amount.

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

1. The MCMUA awards the second one (1) year extension of the original contract for the Marketing of Class D Recyclable Materials, as more specifically defined herein, to Veolia ES Technical Solutions, L.L.C., for an amount not to exceed \$840.00 for a term of one (1) year.
2. The original contract executed on November 9, 2012, between the MCMUA and Veolia ES Technical Solutions, L.L.C., shall remain legal and binding in all respects for the one (1) year extension period.
3. A copy of this Resolution and applicable contracts shall be available for public inspection at the offices of the Morris County Municipal Utilities Authority, 214A Center Grove Road, Randolph, New Jersey 07869.
4. A copy of this Resolution is being forwarded to the MCMUA Treasurer and Veolia ES Technical Solutions, L.L.C., 218 Canton Street, Stoughton, MA, 02072.
5. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the MCMUA at its Regular Meeting held on Tuesday, October 7, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Druetzler made a Motion to award the extension of Contract for Marketing of Class D Recyclable Materials (Lead Acid Batteries) to Veolia ES Technical Solutions, L.L.C. for an amount not to exceed \$840.00 for a term of one year and Mr. Plambeck seconded the Motion.

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

**TRANSFER STATIONS**

**Tonnage** – For the month of September 2014, 33,418 tons of solid waste is projected to be accepted at the two transfer stations. This projection is based on actual disposal data from September 1 through September 29, 2014 with one day remaining in the month. The actual tonnage accepted for September 2014 will be reported to the Board at the October 7, 2014 meeting. Based on this projection, September 2014 is anticipated to experience a 3.31% increase compared to the 32,346 tons accepted a year ago in September 2013. Additionally, the 3<sup>rd</sup>

quarter of 2014 is projected to experience a 1.2% increase in tonnage compared to the third quarter of 2013. With the first nine months of tonnage in at the transfer stations for 2014, it is currently projected that the transfer stations will accept 381,605 tons of solid waste in total for 2014. If this prediction holds true, the transfer stations will accept 1.27% more waste than the 376,825 tons accepted in 2013. Please reference the Transfer Station Disposal Report for additional information.

**Transfer Station Re-Bid** – J.P. Mascaro is continuing to pursue its legal options in an attempt to stay the issuance of the MCMUA's transfer station re-bid pursuant to Judge Weisenbeck's order. Concurrently, MCMUA staff and the re-bid team of Maraziti (legal) and CHA (engineering) have worked on preparing the re-bid and submitted a draft of such re-bid to the New Jersey Office of State Comptroller (OSC) on September 30, 2014. The submission to the OSC is in accordance with State law. While the OSC has 30 days to review the re-bid before the MCMUA can issue it, the MCMUA in its submission to the OSC, requested both a waiver of the review or an accelerated review. These requests were also in accordance with Judge Weisenbeck's order in an attempt to expedite this re-bidding process. Counsel will be at the meeting to discuss these matters with the Board.

**Roof Maintenance at the Transfer Stations** – As discussed at the September Board meeting, the roofs at the transfer stations are in need of repair and the MCMUA budgeted in 2014 to perform much of the needed repair work. The Alaimo Group, the MCMUA's solid waste engineer, evaluated the conditions of the roofs and prepared a construction and engineering cost estimate for the work. A copy of this September 23, 2014 cost estimate and scope of work has been attached to this report. In short, as itemized in the Alaimo estimate, the cost of construction for this phase of the repair work is anticipated to be \$480,000. Additionally, Alaimo is estimating the cost of performing the engineering, design and contract administration for this project to be \$115,000. The MCMUA has money in the 2014 budget for the construction and engineering and Alaimo is already under contract with the MCMUA to perform such engineering services. Staff will seek the Board concurrence to proceed with this project at the October meeting in accordance with the scope of work prepared by Alaimo.

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation and Events** - During September 2014, a total of 164 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 August 2014, when 227 participants used the facility. September 2014's participation represents an increase from last year when 155 participants used the facility in September 2013.

An HHW event was held on September 13, at the Public Safety Complex. There were 1,110 participants at this event, of which, 616 at HHW only, 287 had both HHW and E-waste and 207 had E-waste only. MXI was the MCMUA's new HHW disposal day vendor at this program and did a great job preventing lines from building considering the large turnout. MRM continued to provide E-waste recycling services through their E-waste subcontractor, Vintage Tech. Finally, the last HHW day of the year will be taking place on October 18 and it will take place at Chatham High School using the same vendors.

**Lead Acid Battery Recycling Contract Extension** – On October 9, 2012 the MCMUA awarded a Class D recycling contract (lead acid batteries) to Veolia ES Technical Solutions for a term of 1 year with 2 optional one-year extensions. These are for the recycling of the lead acid batteries accepted by the MCMUA at the HHW facility. On December 10, 2013 the MCMUA extended the contract for the first of 2 potential one-year extensions. As Veolia has performed satisfactorily under this contract, the MCMUA desires to extend the contract for the second and last one-year extension. A resolution will be provided to the Board for its consideration at the October meeting awarding the second one-year contract extension to Veolia for the lead acid batteries accepted and recycled in an amount not to exceed \$840,000.

## **VEGETATIVE WASTE MANAGEMENT – August 2014**

**Facility Report** – The vegetative waste figures for September 2014 were still being compiled as of the writing of this report. As such, vegetative waste recycling report for September 2014 will

be presented to the Board at the October 7, 2014 meeting. It should be noted that the last day for seasonal residential deliveries of compost and mulch was September 26, 2014. While this season's deliveries were performed without issue, the quantity of material delivered for 2014 was down compared to 2013. Extended leaf season hours for the Parsippany compost facility will begin in October to make it a little more convenient for some municipalities to drop off their vegetative wastes at that compost facility.

### **RECYCLING REPORT:**

Ms. Hourihan reported that as a result of Green Sky Industries closing their Recycling Facility in Clifton, Morristown was left without a hauler for roll-off service for recyclables collected at their recycling center. They have had someone doing it for awhile but they don't want to do it for long so Morristown is seeking proposals to do roll-off service. The MUA has submitted a proposal to do roll-off service and they would like to accept our proposal on a temporary basis until they get the actual marketing done. Their marketing proposals are coming in to include the roll-off work. Ms. Hourihan mentioned that Re-Community is a market and the MUA is a hauler so that pieces together but they are getting other combined proposals. Morristown is looking to purchase some compactors which would push their needs out to spring. Dr. Nusbaum asked do we have the capacity without making any capital improvements to provide them this service and Ms. Hourihan replied yes, we do and we don't have to hire any new staff. There are going to use two of our roll-off containers until they get theirs repaired.

### **Recycling Operations**

**Revenue and Tonnage** – The preliminary statement for August was received September 18. The format in which ReCommunity is sending the Excel spreadsheet is in a newer version of Excel than the MCMUA has and therefore, the spreadsheet either is unviewable or values in the spreadsheet do not compute. Staff is working to develop a method to be able review the monthly statement with all of the formulas in place by investigating an on-line version of Excel which should be compatible with the version ReCommunity uses.

The tonnage collected by the MCMUA during September was 1,320 tons. The monthly tonnage is shown by material and by customer on the attached report.

**Purchase of New Trucks** – The preparation and release of a bid to purchase a new compactor truck this year has been delayed. Staff selected a truck upon which to base the specifications and was drafting the specification for the bid, however, on September 18, staff received a call from the manufacturer stating that the selected model is being discontinued. Staff is attempting to purchase a truck with a low-entry cab that can seat a driver and two passengers. Most low-entry cabs seat one driver and one passenger. Staff continues to research truck options to suit our needs.

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

**Clean Communities** – On September 18, staff attended a planning meeting for the Clean Communities Environmental Student Exchange to be held in March 2015 in Sussex County at Waterloo Village. **Educational Programs:** During September, the MCMUA funded 3 educational programs at the Highlands Festival and the Library of the Chathams. **Road Clean-ups:** There were two road clean-ups in September on the 15<sup>th</sup> and 29<sup>th</sup>. MCMUA curbside crews cleaned a total of 9 miles of road counting both sides in Jefferson.

**MCMUA Recycling Awards Event** – Staff is planning the next recycling awards event to take place on Thursday, April 30, 2015 at the Frelinghuysen Arboretum. It will begin with a morning meeting that will lead into an awards luncheon. Staff plans to scale back the event for 2015 and have fewer award recipients and guests. For the 2016 MCMUA award event, the focus will shift to schools and students and staff will begin to develop an educational/contest component to be done in the schools leading up to the awards event in 2016.

**Recycling Inspections/Outreach** – In September, 14 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors.

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

- Soyu Design and Build regarding a renovation of a restaurant in Parispany.
- Berks Ridge Company Enterprises which is building 140 units at Brightview Assisted Living in Randolph.
- Holt Construction regarding the Atlantic Health Systems building renovation project at the Rockaway Mall.
- NJ Transit regarding material generated from the Dover railroad yard.
- TMP Direct, a call center/warehouse in Mt Olive full of promotional material which needs to be disposed of when out of date.
- Center Plan Construction contractor installing solar panels on all Target stores, regarding corrugated cardboard recycling.
- Siemens Healthcare in Mt Olive regarding a load of corrugated which meant to go to a recycling facility, but was mistakenly delivered to the transfer station. Staff took the opportunity to educate the generator that the load was contaminated and needs to be cleaner in the future.

Additionally, staff created a one-page (double-sided) notice meant for building application packets that are given out by municipalities when contractors seek permits. See the attached notice. This notice was discussed at the municipal recycling coordinators meeting on September 24 and made available to recycling coordinators. Staff plans to send this notice to other municipal officials involved in building permits along with the attached tri-fold brochure that staff has been handing out to recycling violators at construction sites.

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

- Chester Craft Fair in Chester Borough – September 6-7
- SCOR Agility for two dog agility events at St Hubert’s in Chatham Township – September 12-14 and 27-28.
- Highlands Festival at Waterloo Village – September 20-21
- Drew University for Family Weekend – September 26-28

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

- On Tuesday, September 9, staff met with ReCommunity for an update on several topics including ReCommunity’s growth, continuing quality/pricing issues with regard to China’s Green Fence and glass markets, status of rebuilding the facility that had the roof collapse (the ReCommunity scale was back in operation as of September 3, 2014).
- On Wednesday, September 10, staff attended “Recycling Health & Safety – An Introduction” offered by the Rutgers Office of Continuing Professional Education. Completion of this class, along with another class called “Understanding Sustainability Management”, allows Certified Recycling Professionals to receive national certification as a Sustainable Resource Management Professional.
- Staff arranged for the curbside crew to have a tour of ReCommunity’s single-stream facility in Mine Hill on September 15 and 29. While the crews collect recyclables every day and deliver the material to this facility, it was realized that they had never been given a tour of how the facility operates. Eric Gabrielson of ReCommunity gave 4 sessions of tours, 2 each day to accommodate all of our employees.
- On Tuesday, September 16, staff attended a County Coordinators meeting in Ocean County. Food waste and tonnage reporting were topics discussed.
- On Saturday, September 20, staff participated in the 7<sup>th</sup> Annual Green Fair of the Chathams as an exhibitor. Our curbside program received compliments from a Borough Council member and the Fair Chairman.
- On Wednesday, September 24, staff hosted a Municipal Recycling Coordinators meeting. The meeting was held at the County Library in Hanover Township and included a demonstration of the new tarping system on one of the MCMUA’s new roll-off containers. The Princeton recycling coordinator was a guest speaker who was invited to speak about Princeton’s “organics” collection program which includes food waste. Princeton is the only municipality in the state to collect food waste from residents in a curbside collection program. Eric Gabrielson, of ReCommunity also spoke about quality issues for recyclable materials.

- On Friday, September 26, staff met with the Rockaway Valley School’s Green Team in Boonton Township. The purpose of the meeting was to discuss the recycling program at the school. Staff was impressed with the enthusiasm of the group of students which consisted of 16 fourth grade students. The Green Team is planning to give their own recycling presentations to each class at this K-8 school.
- On Sunday, September 28, staff participated as an exhibitor in the Festival on the Green in Morristown.

Ms. Hourihan explained that the MUA already has a marketing contract with Randolph through our Re-Community marketing contract and this amendment adds fiber (paper) to that contract. They had a separate contract for paper with Trinity Recycling which ended in March so they are now looking to do single stream recycling. She mentioned that Randolph is out to bid to privatize for hauling services and the MUA has given them a proposal to do that work but they decided to go out to bid for a combined service to see how the bids come in. Mr. Schweizer commented that when a town goes out to bid for a combined service, we usually do not get the recycling contract. Ms. Hourihan asked for the Board’s approval of the following Resolution:

RESOLUTION NO. 14-50  
RESOLUTION REGARDING AMENDMENT TO THE SHARED SERVICES AGREEMENT  
BY AND BETWEEN THE MCMUA AND RANDOLPH TOWNSHIP FOR THE  
MARKETING OF RECYCLABLE MATERIALS

**WHEREAS**, the Morris County Municipal Utilities Authority (“Authority”) desires to assist municipalities in meeting their recycling goals pursuant to the "New Jersey Statewide Mandatory Source Separation and Recycling Act," (N.J.S.A. 13:1E-99.11 et al.) by providing an outlet for disposal of recyclable materials; and

**WHEREAS**, on November 23, 2010, the Authority entered into an Agreement with ReCommunity, formerly FCR Morris, LLC, for the marketing of Recyclable Materials (“ReCommunity Contract”), effective January 24, 2011, which contract provides the Authority with certain rates for the Recyclable Materials delivered to ReCommunity by the Authority; and

**WHEREAS**, the ReCommunity Contract extends those rates to municipalities which execute contracts with the Authority (“Supplemental Municipal Contracts”) pursuant to which the municipality agrees to direct all of its Recyclable Materials, as specified in each Supplemental Municipal Contract, to ReCommunity; and

**WHEREAS**, pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq., the MCMUA may enter into a contract with a municipality for the provision of recycling services; and

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, (L.2007, c.63, s.2.) a Municipal Corporation and a County Utility Authority in the State of New Jersey are considered “Local Units.” Local Units are encouraged and authorized to enter into agreements which promote the sharing and/or consolidation of services; and

**WHEREAS**, both shared services agreements and contracts for the cooperative marketing of recyclable materials recovered through a recycling program are exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

**WHEREAS**, Randolph Township and the Authority executed an agreement titled Agreement for Marketing of Recyclable Materials Contract (“Township/Authority Agreement”) dated March 15, 2011 for the marketing of Non-Fiber Recyclable Materials; and

**WHEREAS**, the Township and the Authority desire to amend the Township/Authority Agreement by adding Fiber (paper) Recyclable Materials as amended in Addendum 1, attached hereto; and

**WHEREAS**, Addendum 1 shall supersede the Agreement for Marketing of Recyclable Materials executed on March 15, 2011 between Randolph Township and the Authority; and

**WHEREAS**, Attachment A to the Township/Authority agreement, titled Marketing of Recyclable Materials Contract between the Morris County Municipal Utilities Authority and FCR Morris, LLC dated November 23, 2010 remains in effect and unchanged.

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

1. The Executive Director of the Authority is authorized to execute the contract amendment as attached in Addendum 1 entitled "Agreement for Marketing of Recyclable Materials" with Randolph Township for the addition of Fiber Recyclable Materials.
2. 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 Regular Meeting held on October 7, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Ms. Szwak made a Motion to authorize the Executive Director to execute the contract amendment to the Agreement For Marketing of Recyclable Materials with Randolph Township and Mr. Platt seconded the Motion.

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

Mr. Carney mentioned that there is a requirement in the Uniform Shared Services Consolidation Act that this Resolution should be forwarded to DCA for informational purposes.

#### **PUBLIC PORTION:**

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

#### **OLD BUSINESS:**

Mr. Schweizer mentioned that he is happy to announce that the application for project authorization has been submitted to the State Historic Preservation Office (SHPO) to enable us to auction off the Black House. He also mentioned that that we have a draft architectural façade easement that we have negotiated with the County and they will be the holders of the easement. We do not know how long the SHPO review and approval process will take; which will impact the timing of the auction of the Black House. We are going to use the same type architectural easement for the Beckman House so that we can proceed with the required auction following the successful transaction of the Black House. He mentioned that the State said that if there are no bids on the property for the Beckman House, then they will have no alternative but to allow us to demolish the house.

With regard to the Giralda Farms open space project, Mr. Schweizer advised that the revised draft of the conservation partnership agreement was sent out to the parties on Monday. We will be ready to present the agreement to the Board at the November meeting for their approval. The agreement will be presented to the Freeholders on November 12<sup>th</sup> and they will have to approve of the release of our funds.

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

**NEW BUSINESS:**

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

Chairman Dour read the following Resolution for the meeting to go into closed session at 8:03 p.m. for discussion regarding pending litigation of Waste Management of New Jersey, Inc. and Covanta 4Recovery LP v. Morris County M.U.A. and Mascaro Consolidated and pending appeals on those matters, as well as Morris Commons vs. Township of Rockaway and Morris County M.U.A. et al.

**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 for discussion regarding pending litigation of Waste Management of New Jersey, Inc. and Covanta 4Recovery LP v. Morris County M.U.A. and Mascaro Consolidated and pending appeals on those matters, as well as Morris Commons vs. Township of Rockaway and Morris County M.U.A. et al.

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:** Dr. Nusbaum made a Motion for the meeting to go into closed session at 8:03 p.m. and Mr. Plambeck seconded the Motion.

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

The meeting returned to open session at 8:40 p.m. with a Motion made by Mr. Druetzler, seconded by Mr. Platt and carried unanimously.

There being no further Business, Chairman Dour asked for a Motion to adjourn the meeting at 8:40 p.m.

**MOTION:** Mr. Plambeck made a Motion to adjourn the meeting at 8:40 p.m., seconded by Mr. Druetzler and carried unanimously.

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Marilyn Regner  
Secretary

/mr