

## MINUTES OF REGULAR MEETING

NOVEMBER 10, 2014

The Regular Meeting of the Morris County Municipal Utilities Authority was held on November 10, 2014 at 7:07 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. William Hudzik, Ms. Laura Szwak, Mr. Frank Druetzler,  
Mr. Fletcher Platt, Mr. Richard Plambeck, and Mr. Christopher Dour.

Mr. James Barry entered the meeting at 7:08 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; Joseph J. Maraziti, Jr., 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 October 7, 2014.

MOTION: Mr. Platt made a Motion to approve the Minutes of the Closed Session and Regular Meeting of October 7, 2014 and Ms. Szwak seconded the Motion.

(Mr. Barry entered the meeting at 7:08 p.m.)

ROLL CALL: AYES: 6 NAYES: NONE ABSTENTIONS: Mr. Hudzik

### **TREASURER'S REPORT:**

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating, Water Operating and Capital Accounts for the month of October 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 October 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. Barry made a Motion to accept the Treasurer's Report and Mr. Plambeck seconded the Motion.

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

Mr. Kaletcher handed out copies of the 2015 Solid Waste and Water budgets.

Mr. Kaletcher advised the Board that the Solid Waste budget proposes a 1.75% (\$1.67/ton) tipping fee increase for 2015. This increase will allow us to keep pace with our 5 year fund balance goals while being able to finance the following capital projects:

- Roof replacement at both transfer stations
- Replace aging equipment for Curbside division

Although we are hopeful contractual pricing will be lower as a result of our transfer station rebid, the reality is, they could also come in higher. For budget submission purposes to the DCA, this revenue increase protects us from that risk. The MUA intends to maintain the current tipping fee until new bids come in. The MUA will then make an evaluation, what adjustment, if any; will be needed to the tipping fee. At a budget committee meeting held last week which included Chairman Chris Dour, Frank Druetzler, Richard Plambeck, Larry Gindoff, John Scarmozza, Glenn Schweizer and myself, we all acknowledged the need to be sensitive to the budgetary concerns of the municipalities but also want to remain focused on replenishing the Solid Waste fund balance to build up our Project Reserve for various upcoming capital projects.

Mr. Platt asked if there is a list of capital projects that we anticipate and Mr. Kaletcher replied yes, and referenced the third footnote which briefly describes the capital projects for the Solid Waste Division for the next four years.

Mr. Kaletcher asked for the Board's approval of the following Resolution:

**RESOLUTION 14-51**  
**2015 Authority Budget Resolution**  
**Morris County Municipal Utilities Authority**  
**SOLID WASTE BUDGET INTRODUCTION**

**FISCAL YEAR: FROM January 1, 2015 TO December 31, 2015**

WHEREAS, the Annual Budget and Capital Budget for the Morris County Municipal Utilities Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 has been presented before the governing body of the Morris County Municipal Utilities Authority at its open public meeting of November 10, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$39,887,048.00, Total Appropriations, including any Accumulated Deficit if any, of \$39,887,048.00 and Total Unrestricted Net Assets utilized of \$0.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$0.00 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$0.00; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Morris County Municipal Utilities Authority, at an open public meeting held on November 10, 2014 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Morris County Municipal Utilities Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Morris County Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 9, 2014.

(Secretary's Signature)	(Date)			
Governing Body Member:	Recorded Vote: 1 <sup>st</sup> : Mr. Platt		2 <sup>nd</sup> : Mr. Barry	
	Aye	Nay	Abstain	Absent
Mr. Hudzik	X			
Mr. Barry	X			
Ms. Szwak	X			
Mr. Druetzler	X			
Mr. Platt	X			
Mr. Plambeck	X			
Mr. Dour	X			
Dr. Nusbaum				X
Dr. Kominos				X

Mr. Kaletcher advised that the Water budget assumes a 3.0% rate increase. This rate increase will assist in funding the following capital projects:

- Replacement doors and well roof repairs
- First Markewics tank rehab
- New water meter

The water rate increase will also allow the Water Division to maintain an operational fund balance throughout our 5 year plan. Additionally, cash received from the sale of the 2 remaining properties will assist the funding of future capital projects in 2015 and beyond.

With regard to the Morris Commons lawsuit, Chairman Dour asked if they were to prevail, either one of them, is there any expense on our part as far as interconnections that we need to budget for? Mr. Schweizer asked in terms of hardware and Chairman Dour replied yes. Mr. Schweizer replied no, and mentioned that what we are anticipating now is that we will wheel some of our existing water that is dedicated to one customer and potentially wheel it to another and the system, based on the amounts that we have been discussing, requires no upgrades. Chairman Dour asked if we have an existing emergency connection with Rockaway and Mr. Scarmozza replied that we don't have a direct connection with Rockaway, it's through Wharton Borough. Mr. Schweizer added that there will be system improvements required, but it will be between Rockaway and the developers.

Mr. Kaletcher asked for the Board's approval of the following Resolution:

**RESOLUTION 14-52**  
**2015 Authority Budget Resolution**  
**Morris County Municipal Utilities Authority**  
**WATER BUDGET INTRODUCTION**

**FISCAL YEAR: FROM January 1, 2015 TO December 31, 2015**

WHEREAS, the Annual Budget and Capital Budget for the Morris County Municipal Utilities Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 has been presented before the governing body of the Morris County Municipal Utilities Authority at its open public meeting of November 10, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$4,153,843.00, Total Appropriations, including any Accumulated Deficit if any, of \$4,556,649 and Total Unrestricted Net Assets utilized of \$402,806; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$0.00 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$0.00; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient

revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Morris County Municipal Utilities Authority, at an open public meeting held on November 10, 2014 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Morris County Municipal Utilities Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Morris County Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 9, 2014.

\_\_\_\_\_  
(Secretary's Signature)

\_\_\_\_\_  
(Date)

Governing Body Member:	Recorded Vote: 1 <sup>st</sup> : Mr. Druetzler 2 <sup>nd</sup> : Mr. Plambeck			
	Aye	Nay	Abstain	Absent
Mr. Hudzik	X			
Mr. Barry	X			
Ms. Szwak	X			
Mr. Druetzler	X			
Mr. Platt	X			
Mr. Plambeck	X			
Mr. Dour	X			
Dr. Nusbaum				X
Dr. Kominos				X

Mr. Kaletcher explained that the following Resolution is required by DCA as the introduction is due by November and we take some time reviewing relevant information regarding tipping information and water rate analyses. Mr. Kaletcher asked for the Board's approval of the following Resolution:

**RESOLUTION NO. 14-53  
RESOLUTION OF EXPLANATION FOR DELINQUENT  
2015 BUDGET SUBMISSION**

**WHEREAS**, the New Jersey Department of Community Affairs, Bureau of Authority Regulations has requested all Authority budget introductions be submitted 60 days prior to the beginning of the new year,

**WHEREAS**, the New Jersey Department of Community Affairs, Bureau of Authority Regulations has stated that any delinquent budgets be accompanied by a resolution of explanation prior to final adoption by the Authority board,

**WHEREAS**, the Morris County Municipal Utilities Authority was delinquent in submitting the budget introductions within the 60 day limit,

**WHEREAS**, the Morris County Municipal Utilities Authority required additional time to complete the budgets due to delays in obtaining relevant budget information, tipping & water rate analyses along with related meetings which were not resolved until after the 60 day deadline,

**NOW, THEREFORE, BE IT RESOLVED** by the Morris County Municipal Utilities Authority that the explanation in paragraph four of this resolution be presented as fact to the New Jersey Department of Community Affairs, Bureau of Authority Regulations for the delinquency in introduction of the 2015 budgets.

\_\_\_\_\_  
Secretary of the Board

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

Governing Body Member:	Recorded Vote: 1 <sup>st</sup> : Mr. Platt 2 <sup>nd</sup> : Mr. Plambeck			
	Aye	Nay	Abstain	Absent
Mr. Hudzik	X			
Mr. Barry	X			
Ms. Szwak	X			
Mr. Druetzler	X			
Mr. Platt	X			
Mr. Plambeck	X			
Mr. Dour	X			
Dr. Nusbaum				X
Dr. Kominos				X

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

**BILL RESOLUTION NO. 14-54**

**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. 14-54 containing 7 pages for a total of \$3,368,715.23 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

CAPITAL FUNDS	1107-1109	\$ 4,840.29
WATER OPERATING FUNDS	2673-2721	275,481.88
SOLID WASTE OPERATING	4772-4869	<u>3,088,393.06</u>
	<b>TOTAL</b>	<b>\$ 3,368,715.23</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: November 10, 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: November 10, 2014

DATE: November 10, 2014

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

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

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

### CORRESPONDENCE:

With regard to Item No. 1 of the correspondence, regarding our contract with N.J. American, Mr. Schweizer mentioned that MUA has to notify N.J. American Water by October 15 of each year of any potential change to our water rate. Item No. 2 of the correspondence does not require any action by the MUA. Southeast Morris County MUA is just putting us on notice that they have been asked to provide additional water service to some houses in Harding outside of the their district but because it does not require any water main extensions, they don't need our approval. He mentioned Item No. 3 of the correspondence is a copy of our letter that was sent to the Superior Court Appellate Division advising that we have withdrawn our appeal as was discussed last month.

Mr. Schweizer thanked Fletcher Platt for providing us with a copy of the Asset Management Guidelines and commented that this will play more importance in how we prepare our Asset Management Plan.

Mr. Schweizer mentioned there was a series of correspondence regarding food waste recycling in the correspondence. There was a quick effort made by private industry to try to adopt legislation for food waste recycling and the proposed legislation is essentially a one liner and lacked a lot of detail. As you see in the responses, this issue will require more deliberation and thought and the MUA will continue to work on the idea of food waste recycling with those folks in the industry and the regulatory agencies who are looking to advance that.

Ms. Szwak mentioned that she saw that the food waste legislation was tabled and has not moved. Mr. Schweizer mentioned that there is actually a more concerted effort being undertaken by the Association of N.J. Recyclers which the MUA has been participating in too.

Mr. Plambeck referred to the correspondence on the sharps and asked if the MUA is going to help put out some notifications to our communities to alert them and suggest things to put in their newsletters. Ms. Hourihan commented that ReCommunity sent out that same mailing to all the municipalities. Additionally, the MUA has drafted a safe syringe flier that has disposal options in Morris County, and Waste Management has a mail back program.

Certified Letter dated October 14, 2014 to the Corporate Secretary, New Jersey American Water Company, Inc. from Glenn Schweizer advising that the MCMUA anticipates a maximum of a 3% increase to its regular wholesale water rate commencing on January 1, 2015.

Letter dated October 22, 2014 from Laura Cummings, P.E., Executive Director/Chief Engineer of Southeast Morris County M.U.A. to Mayor Bruce Sisler of Morris Township regarding request from Harding Holdings, L.L.C. for water service for property located in the Township of Harding, Outside the District of the Authority. Similar letters were also forwarded to Mayors and Members of the Governing Bodies of the four SMCMUA member municipalities.

Letter dated October 17, 2014 to Shari Black, Case Manager, Superior Court of New Jersey Appellate Division from Joanne Vos, Esq., Maraziti Falcon LLP, advising that the MCMUA is withdrawing its appeal.

NJDEP's Asset Management Guidance and Best Practices Document courtesy of Fletcher Platt.

Letter dated October 24, 2014 to Honorable Senator Bob Smith from Glenn Schweizer regarding comments from the Morris County Municipal Utilities Authority in opposition to Senate Bill No. 2494 regarding food waste.

Letter dated October 27, 2014 to Honorable Senator Bob Smith from Peggy Gallos, Executive Director, Association of Environmental Authorities, in support of MCMUA's position on Senate Bill No. 2494.

Email dated October 28, 2014 to Kathleen Hourihan from John Donnadio, Executive Director, New Jersey Association of Counties, regarding Senate Bill No. 2494 regarding food composting legislation.

Safety Alert from Jeffrey Fielkow, Chief Sales & Marketing Officer, ReCommunity Recycling, regarding syringes and needles.

Letter dated November 7, 2014 to New Jersey Department of Environmental Protection from Anthony Milonas, Supervisor of Water Operations, regarding T1 Reports for the Morris County M.U.A. for the month of October 2014.

Letter dated November 7, 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 October 2014.

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

Mr. Scarmozza updated the Board on the roof repair project. He reported that the MUA is going to move ahead with the roof repair project but with a slightly reduced scope. We are going to address the three roofs that are leaking right now; they are the two Flanders Valley Wells and the Mt. Arlington Booster Station. After speaking to the architect from D&B Engineers; he re-evaluated his estimate and chose different materials for the construction project in an effort to bring down what he thought were the reasons for the cost overrun. Mr. Scarmozza is not confident that we would be able to get all seven roofs replaced for the amount we have budgeted, so we decided to replace the roofs that are most critical. We will address the remaining roofs in the following year's budget. Mr. Dour asked if the roofs are going to be flat and Mr. Scarmozza replied no; the roofs are going to be pitched.

Mr. Scarmozza informed the Board that we received Jacobs Engineering's proposal to prepare an Asset Management Plan for the Water Division. However, after a more indepth review of Jacob Engineering's proposal, Staff is recommending that the MUA secure the required professional services to prepare an RFP for its Asset Management Plan. Mr. Scarmozza asked Fletcher Platt to review the draft.

Mr. Scarmozza advised that we heard back from DEP regarding the Scrub Oaks Mine Well and they wanted some additional information. He explained that this information was prepared for Hatch Mott MacDonald by Uhl Associates and we had Vince Uhl supply DEP with the information they wanted. The MUA is waiting for a response from DEP to see if this is something they would be comfortable submitting to the Highlands.

Mr. Scarmozza mentioned two initiatives that developed from evaluating the system; to perform a study of the motor control center and the high voltage switch gear at the Markewicz Booster Station and request a proposal from ATI to address the issues with the Clyde Potts Pump. Mr. Platt commented that before proceeding with these initiatives, he recommended that the Asset Management Plan be in place.

### **PROJECT STATUS:**

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

- A. Staff has been involved in an on going discussion with D&B Engineers regarding the roof repair project; D&B is reassessing their design and estimate, but so far they feel confident with the original estimated cost. Staff is somewhat less confident, but more concerned with getting the roofs repaired. Timely resolution of the cost estimate uncertainty has been stressed to D&B since the 2015 budget is currently being prepared. Staff is willing to proceed with re-roofing the flat roofs and only addressing the roofs that are in the poorest condition if need be. D&B still thinks the sloped roof retrofit is viable at this time, but the MCMUA needs a definitive answer so it can proceed in one way or another with the repairs.

#### **2. SCADA Upgrades**

- A. PCS and Anthony Milonas have completed the SCADA upgrades at Clyde Potts Pumping Station. The next upgrades at Mt. Arlington and Markewicz Pumping Stations will require significant coordination between the MCMUA and PCS as both locations are information hubs and co-control centers for the entire system. Presently half the system (wells & meter pits) is operating on the new hardware and software while the other half (tanks & pumping stations) is still operating on the old hardware and software. The switch over will require the pumping stations to be operated by hand for a 24 hour period while the new hardware is installed; tank hardware can be pre-installed and brought on line in a few hours. Once completed the SCADA system should be good for years with future upgrades being less involved.

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

- A. Anthony Milonas was able to lower the water level in the two Markewicz ground storage tanks to a depth where Suburban Consulting Engineers was able to get a good visual inspection of the tanks' interior condition as well as take paint chip samples to analyze the interior and exterior coatings for lead. Suburban is now evaluating the information they have, and when complete, will meet with the MCMUA to discuss their methods and recommendations for proceeding with the work.

#### **4. Contract W-14 Furnish & Deliver One (1) 1,000 Gallon Fuel Hopper with Accessories**

- A. Don Longo Inc. expects to deliver the fuel hopper with accessories by mid month; Water Operating Staff poured the concrete base in late October and is ready to receive and set the tank. Due to a recent change in State Regulations (Factory Law), operating staff cannot do the electrical and plumbing connections and will have to subcontract the performance of those trades to complete the installation.

## GENERAL

### 1. SYSTEM

- A. As reported last month, the MCMUA completed its second round of USEPA Unregulated Contaminant Monitoring samples. In early October the laboratory contacted Anthony Milonas about Chromium detects in the field blanks that were supplied by the laboratory. Re-sampling for Chromium is now required; staff is not certain if the detect will be considered lab error or if it will be recorded as an occurrence. That determination is a matter of protocol between the EPA and lab, the MCMUA has no say in it. The laboratory furnishes the results directly to the USEPA with copies to the MCMUA.
- B. Jacobs Engineering submitted their proposal and qualification statement to prepare an Asset Management for the MCMUA Water Division. As previously reported, Jacobs is promoting a research study on the required levels of effort to develop an Asset Management Plan. They were offering partial funding by the Water Research Foundation for the plan's preparation costs as an incentive to participate. Upon receipt of Jacobs' proposal, the MCMUA delved deeper into the details of the funding arrangement and found that the funding being offered required acceptance and participation by the Water Research Foundation and a subscribing member of the foundation. In addition, the Jacobs' program was still under review by Water RF and has not yet been accepted; it was also determined that there was no guarantee that if the MCMUA volunteered to participate that it would be accepted as a candidate. Furthermore, notice of acceptance would not be given until late February 2015; the MCMUA had hoped to begin work on the plan before then. As a consequence, staff is recommending that the MCMUA act independently and secure the required professional services to prepare its Asset Management Plan.
- C. Leggette, Brashears & Graham provided NJDEP with the additional Rockaway Well modeling information that was requested at our September 19<sup>th</sup> meeting; to date there has been no indication from DEP that they have completed their review of the Rockaway Well. However, BWA&WP Northern Section Chief, Jan Gheen, did request the data files that were used to produce the mine pumping test tables in the Scrub Oaks Mine Reservoir Study to evaluate ground water flux in the mine. Uhl Associates were the hydro-geologic subcontractors for the study, Vince Uhl was contacted and will forward the data to DEP. At the aforementioned meeting, DEP offered to vet the mine well concept with Highlands if the well test data proved accurate.
- D. The following initiative grew from a discussion between John Scarmozza and Anthony Milonas about the merits of adding another 1,000 GPM pump to the Markewicz Pumping Station in the vacant 'future pump' location provided. A second 1,000 GPM pump would provide some operational flexibility and the two small pumps would likely satisfy most of the off peak pumping demands on the station. Staff figured that the addition would be a relatively inexpensive project with all but the electrical work completed by operating staff. Ralph Rocco, PE from ATI was asked to look at the Motor Control Center (MCC) to confirm that the pump addition was feasible and to provide a proposal for the required electrical specifications. The first issue identified by Mr. Rocco was that the spare MCC was sized for a 300 hp motor not a 75 hp motor as needed for the 1,000 GPM pump; and that over the years the spare MCC had been looted for parts to keep the active units in operation. Mr. Rocco also opined that a 2400 volt 75 hp motor was going to be very difficult if not impossible to find. That caused him to question why 2400 volts was chosen for the station in the first place and what advantage there was to the MCMUA in owning the switch gear? Only the design engineer could answer the first question, but fortunately he was asked that very question back in 1997 when the generator and switch gear were upgraded. His answer was the 2400 volt Y-Delta system provided safe and reliable operation in the event of a ground fault on one of the 3 phase power legs. The MCMUA staff was able to answer the second part of Mr. Rocco's question having experienced the lightening strike on the gear in 2004 that destroyed the conductors, disconnect switch and transformer; and resulted in a six month ordeal operating on a temporary system until the components could be manufactured; owning the switch gear offers no advantage to the MCMUA and is a huge liability. Mr. Rocco then went on to say that with more modern equipment the same level of reliability could be achieved with

a 480 volt system and the utility would be responsible for the gear; and that unlike 2400 volt equipment, 480 volt equipment is readily available. Mr. Rocco then wondered out loud if JCP&L would be willing to provide a 480 volt power drop into the pumping station. When asked what that do for the MCMUA, he answered that with dual voltages into the station the MCMUA could run the two 1,000 GPM, 75 hp pumps on 480 volts and concurrently run the 3300 GPM, 300 hp on 2400 volts, this would give the MCMUA the advantage of remaining on commercial power in the event of a fault in either system; and would provide the MCMUA with the fuel saving options, using either the large 2400 volt stationary generator or its smaller 480 volt portable generator in the event of a general power failure. Furthermore, the institution of dual voltage at the Markewicz Pumping Station would position it well for any future retrofit of the 2400 volt MCC or an overall conversion of the station to 480 volt. Mr. Rocco was then asked to prepare a proposal to explore the possibility of introducing 480 volts into the pumping station with JCP&L and the future possibility of eliminating MCMUA ownership of the switch gear and future conversion of the station to 480 volts; the Proposal is attached.

- E. John Scarmozza and Anthony Milonas have been monitoring the performance of the Clyde Potts Pumping Station and have concluded that since the station has become and will remain a permanent facility, a second look at the equipment is warranted. The original pumping station was to be a temporary facility with an expected service life of seven years; however within two years of its completion, circumstances changed and it became an integral part of the MCMUA system and a permanent facility. Earlier this year the Vertical In-line Pump at the station failed and was replaced in kind; at that time staff reported that due to pump construction a replacement would be purchased and stored, and on a predetermined schedule the in service pump would be replaced with the standby pump, rebuilt and placed in storage until the next cycle. A Vertical In-line Pump is not the most durable type of pump, it was originally chosen because of its high efficiency at the design conditions. Its efficiency allowed the MCMUA to meet the JCP&L 40 hp limitation that was imposed on the facility and the SMCMUA requirement for uniform draft. At the initial 350 GPM flow rate the original Peerless pump required 39 hp to function as designed, however when the MCMUA increased the peak flow rate to 415 GPM, the impeller diameter had to increased to achieve the necessary Total Dynamic Head (TDH). That in turn increased the power required to 43 hp which resulted in an overloaded motor. The MCMUA addressed the problem by replacing the Peerless pump with a higher efficiency Patterson pump and making some internal modifications to the motor starter. The new pump required 37 hp to deliver the 415 GPM flow rate at the required (TDH); there were no further operational problems until the MCMUA requested an additional increase in the peak flow rate to 520 GPM. The pumping conditions were pushed to the limit during backwash cycles at the Clyde Potts WTP when suction pressure dropped and there was no longer the necessary surplus head for the pump to operate as designed. In order to achieve the uniform draft that SMCMUA required, a pump with surplus head was coupled with a back pressure sustaining feature in the pump check valve to throttle the pump discharge to the design TDH thereby maintaining a preset flow rate. Loss of throttling exposed the pump to system transient conditions and erratic operation. A better choice of pump type for the conditions appears to be a vertical turbine pump, however due to less efficiency it would require +40 hp and the concurrence of JCP&L that their circuit can handle the additional load. Staff does not have the technical expertise to speak to JCP&L on the matters that will be involved in their review; with the Board's concurrence, staff will request a proposal from ATI to act as the MCMUA liaison with JCP&L on this matter.

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

RESOLUTION NO.14-55  
RESOLUTION TO AMEND WATER RATE OF  
MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Morris County Municipal Utilities Authority ("the Authority") is authorized by the Municipal and County Utilities Authorities Law (N.J.S.A. 40:14B-1 et seq.) to establish rents, rates, fees and other charges and to amend the same from time to time so that the revenues of the Authority will at all times be adequate to pay the expenses of operation and maintenance of the Authority system including reserves, insurance, extensions and replacements,

debt service, and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract or as may be deemed necessary or desirable by the Authority; and

WHEREAS, the Authority has determined that there is a need to amend the base water rate charged by the Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Morris County Municipal Utilities Authority in the County of Morris and State of New Jersey on this 10th day of November, 2014 as follows:

1. The base rate to be charged by the Authority for the provision of water is hereby amended to be \$2,265 per million gallons (MG).
2. A hearing concerning this proposed revision of the rates of the Authority shall be held on December 9, 2014 at the regular public meeting of the Authority commencing at 6:00 p.m. at the Morris County Municipal Utilities Authority offices (first floor meeting room), 214A Center Grove Road, Randolph Township, New Jersey 07869.
3. The Executive Director shall cause notice of the aforesaid hearing to be given in accordance with N.J.S.A. 40:14B-23 by:
  - a. publishing a copy of this Resolution in two newspapers of general circulation in Morris County at least 20 days prior to the hearing date; and
  - b. mailing a copy of this Resolution to the Clerk of each municipality served by the Authority and to each water utility, whether public or private, served by the Authority, at least 20 days prior to the hearing date.
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 a Regular Meeting held on November 10, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Druetzler made a Motion to amend the Water Rate of the Morris County M.U.A. and Mr. Hudzik seconded the Motion.

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

RESOLUTION NO. 14-56  
RESOLUTION AUTHORIZING A CONTRACT FOR  
MAINTENANCE OF LAMINGTON RIVER PARTIAL RECORD  
STREAM GAUGE STATIONS WITH THE U.S. GEOLOGICAL SURVEY

WHEREAS, the Morris County Municipal Utilities Authority ("MCMUA") is required to monitor stream flow in the Lamington River as a condition of its allocation permit for the Alamatong well diversion; and

WHEREAS, the U.S. Geological Survey is an agency of the United States Department of the Interior and is the recognized authority for the maintenance, collection and reduction of this type of data through facilities specifically designed for this purpose; and

WHEREAS, the MCMUA Treasurer has certified that funds are available from Water Operating Account 4-02-6-900-923-018 for \$5,060.00 to maintain, collect and reduce the resulting data for one year from the date of the contract; and

WHEREAS, the MCMUA being bound by the conditions of its allocation permit has determined that it shall enter into an agreement with the U.S. Geological Survey for said services, for the period of October 1, 2014 to September 30, 2015, renewable yearly thereafter; and

WHEREAS, the MCMUA is authorized pursuant to N.J.S.A. 40A:11-5(2) to award a contract to an agency of the United States of America without competitive bidding.

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

1. The Executive Director is authorized and directed to execute an agreement with the U.S. Geological Survey, New Jersey Water Science Center, 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648, in the form provided.
2. The authorized expenditure for this contract shall not exceed \$5,060.00.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on November 10, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Platt made a Motion to authorize a contract for maintenance of Lamington River Partial Record Stream Gauge Stations with the USGS and Ms. Szwak seconded the Motion.

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

#### RESOLUTION NO. 14-57 RESOLUTION AUTHORIZING A CONTRACT FOR MAINTENANCE OF DRAKES BROOK STREAM GAUGE WITH THE U.S. GEOLOGICAL SURVEY

WHEREAS, the Morris County Municipal Utilities Authority ("MCMUA") is required to monitor a low flow partial record station on Drakes Brook as a condition of its allocation permit for the Flanders well diversion; and

WHEREAS, the U.S. Geological Survey is an agency of the United States Department of the Interior and is the recognized authority for the maintenance, collection and reduction of this type of data through facilities specifically designed for this purpose; and

WHEREAS, the MCMUA Treasurer has certified that funds are available from Water Operating Account 4-02-6-900-923-018 for \$2,530.00 to maintain, collect and reduce the resulting data for one year from the date of the contract; and

WHEREAS, the MCMUA being bound by the conditions of its allocation permit has determined that it shall enter into an agreement with the U.S. Geological Survey for said services, for the period of October 1, 2014 to September 30, 2015, renewable yearly thereafter; and

WHEREAS, the MCMUA is authorized pursuant to N.J.S.A. 40A:11-5(2) to award a contract to an agency of the United States of America without competitive bidding.

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

1. The Executive Director is authorized and directed to execute an agreement with the U.S. Geological Survey, New Jersey Water Science Center, 3450 Princeton Pike, Suite 110, Lawrenceville, New Jersey 08648, in the form provided.
2. The authorized expenditure for this contract shall not exceed \$2,530.00.
3. The Executive Director shall cause Roxbury Water Company to be billed for 50% of the stream gauge cost in accordance with the terms of the Water Allocation Permits issued by NJDEP to the MCMUA and Roxbury Water Company.

### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on November 10, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Plambeck made a Motion to authorize a contract for maintenance of Drakes Brook Stream Gauge with the USGS and Ms. Szwak seconded the Motion.

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

### SOLID, HAZARDOUS & VEGETATIVE WASTE REPORT:

Mr. Gindoff mentioned the transfer station bid was released on October 27<sup>th</sup> in the form of two volumes and we did meet Judge Weisenbeck's deadline of November 3<sup>rd</sup>. However, we did discover that we need to do an addendum to the bid and asked Joe Maraziti to speak on that.

Mr. Maraziti advised that the Governor signed into law an amendment to Public Contracts Law at the very end of September that it would become effective the first day of the following month, meaning October 1<sup>st</sup>. This was a couple of days after we sent the bid document to the OSC for its review. That change in law, that became effective without our knowledge or OSC's knowledge, says that when you have a bid in which you are asking for a Consent of Surety or performance bond then financial statements cannot be requested. This requires the editing of the bid document to issue an Addendum that basically removes requirements for financial statements, minimum financial criteria and also references to the guarantor. Mr. Maraziti advised that it was his firm's obligation to be aware of this and therefore has his firm has prepared the Addendum at no cost to the MCMUA and they have sent them to the OSC for their review. Mr. Maraziti recommended that this Addendum should be issued as soon as possible so as to make the burden lighter on the bidders. Mr. Maraziti mentioned that there is another question about rating agencies for the Sureties that has been raised by Larry Kaletcher and he will look into this and this is something that we should consider. Mr. Maraziti expects that this Addendum should go out probably next week.

Mr. Gindoff reported that seven firms have picked up the transfer station bid and the transfer station tours will take place next week. Mr. Gindoff also reported that the MUA had a very successful household hazardous waste day event in Chatham with over 1,000 cars. We also had excellent news on the auction our front-end loader because we received \$10,000 more than expected. Finally, with regard to the Open Space Trust Fund, Mr. Gindoff mentioned that on Wednesday night the Freeholders are going to be addressing the recommendation of the Open Space Trust Fund Committee and also mentioned that the Committee had a very positive recommendation about the Giralda Farms property.

## **TRANSFER STATIONS**

**Tonnage** – For the month of October 2014, 34,326 tons of solid waste was accepted at the two transfer stations. This tonnage was 0.82% more than the 34,046 tons accepted a year ago in October 2013. With the first ten months of tonnage in at the transfer stations for 2014, it is currently projected that the transfer stations will accept 382,099 tons of solid waste in total for 2014. If this prediction holds true, the transfer stations will accept 1.40% more waste than the 376,825 tons accepted in 2013. Please reference the Transfer Station Disposal Report for additional information.

**Transfer Station Re-Bid** – On October 27, 2014 the MCMUA issued the transfer station re-bid as per the order of Judge Weisenbeck. The review of the draft of the re-bid by the Office of State Comptroller took less than maximum 30 days allowed by law thereby enabling an earlier issuance of the bid than the November 3 deadline established by Judge Weisenbeck. The schedule for the bidding process is as follows:

- Publication of Notice to Bidders: Mon., October 27, 2014
- Tour of MCMUA Transfer Station Facilities: Tues., November 18, 2014
- Deadline for Submission of Written Questions: Wed., December 3, 2014
- Bids Due: Tues., January 6, 2015
- Contract Award: Not later than Tues., February 10, 2015
- Contract Start-Up: On or About Mon., April 6, 2015

As of the writing of this report, seven firms contacted the MCMUA to obtain a copy of the re-bid. The bids were advertised in the *Daily Record*, the *Star Ledger* and in the *Wate360 Daily Wire*, a national daily online newsletter serving the waste management industry.

Due to a change in law that took effect October 1, 2014 regarding the inability to request financial statements from prospective bidders if guarantee is provided (i.e. performance bond from a surety company), the MCMUA is currently preparing an addendum to the re-bid to address this new law. Counsel will be available at the November 10 meeting to discuss these matters in greater detail.

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation and Events** - During October 2014, a total of 171 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 September 2014, when 182 participants used the facility. October 2014's participation represents an increase from last year when 164 participants used the facility in October 2013.

The final HHW event of 2014 was held on October 18 at Chatham High School. There were 1,015 participants at this event, of which, 445 had HHW only, 285 had both HHW and E-waste and 285 also had E-waste only. MXI was the MCMUA's HHW disposal day vendor at this program and MRM continued to provide E-waste recycling services through their E-waste subcontractor, Vintage Tech. The 1,015 participants was a little busier than usual for this site but both vendors handled the crowds well. E-waste recycling at this site tends to be in more demand than other sites where the MCMUA conducts HHW/E-waste events.

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

**Facility Report** – The vegetative waste figures for October 2014 were still being compiled as of the writing of this report. As such, vegetative waste recycling report for September 2104 will be presented to the Board at the November 10, 2014 meeting.

**Operational Updates** - The Scarab windrow turner that serves the Parsippany compost site requires repair and a bid has been issued for the provision of the labor to repair the four tracks on the Scarab. Receipt of this bid is scheduled for November 19, 2014 and it is anticipated that a resolution awarding the contract for this work will be provided to the MCMUA Board for its consideration at the December meeting. The MCMUA has already ordered the necessary parts and this bid is only for the labor to install the parts.

The MCMUA successfully auctioned its 1990 Michigan front-end loader used at the Parsippany Compost site. It sold for \$18,404.00, of which, the MCMUA keeps \$17,120. The MCMUA is very pleased with the results of this auction as we had a \$7,000 minimum and the sales price came in significantly above the minimum.

Special leaf season extended hours began on October 25, 2014 for the Parsippany compost site for the municipal drop-off of leaves. The special leaf season drop-off hours run through Saturday, December 6, 2014. Finally, the MCMUA has been informed that the once-a-month NJDEP inspections at the two compost facilities will be reduced to inspections once every six months.

## **OPEN SPACE TRUST FUND**

In late October, the Morris County Open Space Trust Fund Committee conducted two hearings to listen to presentations by applicants requesting money from the County Open Space Trust Fund. There were nine applications remaining for final consideration by the Committee in 2014. At the October 23 hearing, the Committee formulated recommendations on each applicant's request for consideration by the Freeholders who are anticipated to take action on these applications at their November 12, 2014 public meeting.

## **RECYCLING REPORT:**

Ms. Hourihan reported that the MUA received delivery of their new roll-off truck early and it went into service on Friday. She mentioned that the DEP released the 2012 Recycling Rates and referred to the MSW chart she provided. The MUA is up two more percent which brings the MUA to 49.2%. Mr. Schweizer congratulated everyone in Morris County.

## **Recycling Operations**

**Revenue and Tonnage** – A viewable preliminary statement for August was received September 25 with an amount of \$23,882. The preliminary statement for September has not been received as of November 5. Staff is working with ReCommunity to resolve the format issues and will likely use a newer version of Excel on our end to be compatible with ReCommunity. The tonnage collected by the MCMUA during October was 1,383 tons. The monthly tonnage is shown by material and by customer on the attached report.

**Purchase of New Trucks** – The new roll-off truck which was awarded to Deluxe International at the June meeting was received 3 weeks early, on Monday, October 27. It has not been put into service as of November 5.

As for the new compactor truck to be purchased, staff has decided to forego a low entry cab and will prepare a bid specification based on a normal cab similar to the rest of the trucks in our fleet. Staff plans to prepare the specification in November.

**Budgeting** – Staff worked on reviewing staffing needs for the curbside program in 2015 and evaluating the overtime worked so far in 2014.

**Auction of Compost Bucket Loader** – During October, staff auctioned a bucket loader used by the compost department. The auction on GovDeals.com closed on October 17, with a final amount of \$17,120 plus fees.

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

**Morris County Recycling Rate for 2012** – On October 21, Joe Davis of the NJDEP released the county recycling rates for 2012. Morris County's MSW (municipal solid waste) recycling rate increased, once again, by 2% bringing Morris County to 49.2%, just under the 50% MSW goal. Morris County has the 4<sup>th</sup> highest MSW recycling rate in the state. The attached bar chart shows the history of Morris County's MSW recycling rate from 1995 to 2012.

**Clean Communities** – On October 1, staff attended the Young Audiences Fall Assembly Program Showcase held at an elementary school in Short Hills. Staff was able to preview several educational programs. On October 28, staff attended a Clean Communities Workshop and gave a presentation about our Slam Dunk the Junk program. Educational Programs: During October, the MCMUA funded 3 educational programs in Chester Borough, Morristown Washington. Road Clean-ups: There was one road clean-up in October on the 27<sup>th</sup>. MCMUA curbside crews cleaned a total of 6 miles of road counting both sides in Jefferson.

**Food Waste Bill** – A new bill, S-2494, was introduced to the Senate Energy and Environment Committee on October 14. The bill's sponsor is Senator Raymond Lesniak. The bill requires composting or recycling of food waste by large volume generators. The bill is very short and does not address many issues related to proper implementation of such a requirement. As an example, the economic impact to food waste generators is not addressed. Staff wrote a letter to Senator Bob Smith, Chair of the Senate Environment and Energy Committee on October 24, in advance of the hearing scheduled in his Committee on October 27. There was no vote on the bill on October 27. A copy of the MCMUA letter to Senator Bob Smith and related letters are included in the correspondence section of the report.

Of note, the Association of New Jersey Recyclers had a committee working for over a year on the food waste composting issue. The committee drafted a white paper on the topic and recently had legislation drafted to accomplish mandatory food waste recycling/composting for large food waste generators. S-2494 is not the ANJR bill.

**Recycling Inspections/Outreach** – In October, 12 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors.

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

- Kings Supermarkets and their new hauler Waste Management. Unfortunately, with the advice from a waste broker, a decision was made at the corporate level of Kings to cancel the existing local waste and recycling contract and to mix waste together and send it to a MRF. This practice is not legal and the County Health Department and staff are working with Kings to correct the problem.
- Staff met with Gabriel Gonzales of 5 Stars Roofing to answer questions he had about source separation and recycling markets for non-mandated materials. Mr. Gonzales separates recyclables at his construction sites.
- Dimensional Merchandising (DMI) in Wharton had a load of recyclables mixed with garbage and stated this problem will be addressed by retraining employees.
- Drew University and Evergreen Recycling Solutions regarding construction debris at the site with corrugated cardboard.
- Andrew E Hall and Sons Plumbing has had many transfer station violations and as a result has been issued NOV's and fines by the County Health Department.

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

- American Heart Association Morris County Heart Walk in Parsippany – October 12
- Drew University for Alumni Weekend – October 10-12

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

- On Saturday, October 4, staff attended the ScoutDoor Expo as an exhibitor. The event was held at Horseshoe Lake in Roxbury.
- On Tuesday, October 7, staff met with employees of the Roxbury School District to review the recycling program at the Franklin Elementary School.
- On Wednesday, October 15, staff attended the Association of New Jersey Recyclers (ANJR) Annual Symposium and Awards Luncheon held in Neptune.
- On Friday, October 17, staff participated as an exhibitor at the Morris County Employee Wellness Fair, held at the Morris View Healthcare Center.
- On Wednesday, October 29, staff toured two facilities in Northampton, Pennsylvania. The first facility, Renewable Fuel, Inc, makes a fluff from single-stream recycling facility residue, which includes a good deal of thin plastic film, to be used as fuel at cement kilns. The second facility, located adjacent to the first, is Cap Glass, Inc, a facility which accepts broken glass that is mixed by color from recycling facilities and through an automated process, using vacuums, shakers and optical scanners, cleans the glass of contaminants and sorts it by color.

**PUBLIC PORTION:**

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

**OLD BUSINESS:**

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

RESOLUTION NO. 14-58  
RESOLUTION AUTHORIZING CONSERVATION PARTNERSHIP AGREEMENT  
BY AND BETWEEN THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY,  
THE TOWNSHIP OF CHATHAM, THE OPEN SPACE INSTITUTE  
AND THE MORRIS COUNTY PARK COMMISSION  
AND THE CONTRIBUTION OF \$1,250,000 FROM THE MCMUA SHARE  
OF THE MORRIS COUNTY OPEN SPACE FUND

WHEREAS, the Morris County Municipal Utilities Authority ("MCMUA") having been established by the Morris County Board of Chosen Freeholders pursuant to N.J.S.A. 40:14b-1 et. seq., is empowered to take such steps as it deems necessary and appropriate to protect and preserve the water resources of the County of Morris; and

WHEREAS, in keeping with the implementation of such goals, the MCMUA seeks to enter into partnerships with other public entities and non-profit organizations in order to acquire land for such conservation and preservation purposes; and

WHEREAS, the parties desire to purchase a tract of land comprised of approximately 136.14 acres located in the Township of Chatham known as the Giralda Farms property, to be protected in accordance with the terms and conditions of the Conservation Partnership Agreement by and between the Morris County Municipal Utilities Authority, the Township of Chatham, the Open Space Institute and the Morris County Park Commission, in substantially the same form attached hereto (the "Protected Property"); and

WHEREAS, the parties acknowledge that the acquisition and conservation of the Protected Property is necessary and desirable given that it is located adjacent to the Loantaka Brook Reservation, includes environmentally sensitive areas, contains prime aquifer recharge areas, and lies within a designated Wellhead Protection Area; and

WHEREAS, the parties acknowledge that the acquisition and conservation of the Protected Property will conserve the woodlands, wetlands, and riparian values of the Protected Property; and

WHEREAS, the parties desire to retain the Protected Property in its natural state; and

WHEREAS, the MCMUA determines that it is in the best interest of the residents of Morris County and it is in furtherance of the purpose of the MCMUA to contribute the sum of \$1,250,000 (One Million Two Hundred Fifty Thousand Dollars) from its share of the Morris County Open

Space Trust Fund toward the acquisition of the Protected Property, subject to the terms and conditions of the Conservation Partnership Agreement by and between the Morris County Municipal Utilities Authority, the Township of Chatham, the Open Space Institute and the Morris County Park Commission ("Conservation Partnership Agreement") in substantially the same form and content as set forth on Schedule A, attached hereto and made a part hereof.

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

1. The Chairman and Executive Director are hereby authorized to execute the Conservation Partnership Agreement in substantially the same form and content as set forth in Schedule A.
2. The Executive Director, staff and consultants are hereby authorized to take all necessary administrative actions as are necessary to provide for the contribution of the sum of \$1,250,000 (One Million Two Hundred Fifty Thousand Dollars) from the MCMUA share of the Morris County Open Space Fund, upon all of the terms and conditions set forth in the Conservation Partnership Agreement.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at a Regular Meeting held on November 10, 2014.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Ms. Szwak made a Motion to authorize the Conservation Partnership Agreement by and between the Morris County M.U.A., the Township of Chatham, the Open Space Institute, and the Morris County Park Commission and the Contribution Of \$1,250,000 from the MCMUA Share of the Morris County Open Space Fund and Mr. Plambeck seconded the Motion.

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

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 8:02 p.m. for discussion regarding pending litigation of 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 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: Mr. Barry made a Motion for the meeting to go into closed session at 8:02 p.m. and Mr. Hudzik seconded the Motion.

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

The meeting returned to open session at 8:17 p.m. with a Motion made by Mr. Druetzler, seconded by Mr. Plambeck and carried unanimously.

There being no further Business, Chairman Dour asked for a Motion to adjourn the meeting at 8:18 p.m.

MOTION: Mr. Platt made a Motion to adjourn the meeting at 8:18 p.m., seconded by Mr. Hudzik and carried unanimously.

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Marilyn Regner  
Secretary

/mr