

## MINUTES OF REGULAR MEETING

September 8, 2015

The Regular Meeting of the Morris County Municipal Utilities Authority was held on September 8, 2015 at 7:03 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, Mr. James Barry, Ms. Laura Szwak, Mr. Frank Druetzler, Mr. Fletcher Platt, Mr. Richard Plambeck, and Mr. Dour.

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

Also present was Glenn Schweizer, Executive Director; Andrew Holt, P.E., MCMUA Water Consulting Engineer; Larry Kaletcher, Treasurer; Marilyn Regner, Secretary; Brent Carney, Esq., Maraziti Falcon LLP; Larry Gindoff, Solid Waste Coordinator; Kathleen Hourihan, District Recycling Coordinator; and David Scapicchio, Freeholder-liaison.

Chairman Dour asked for the Board's approval of the Minutes of the Regular Meeting dated August 11, 2015.

MOTION: Mr. Plambeck made a Motion to approve the Minutes of the Regular Meeting of August 11, 2015 and Mr. Hudzik seconded the Motion.

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

### TREASURER'S REPORT:

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating, Water Operating and Capital Accounts for the month of August 2015. Also included are the Comparative Balance Reports for the Solid Waste and Water Divisions. Our investment report shows that on August 10<sup>th</sup>, our six month CD with Investors Bank had reached its maturity date. Mr. Kaletcher advised that we rolled that money over into a one year CD with the same bank earning .45% which was the highest compared to other institutions for the same time period. 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. Barry seconded the Motion.

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

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

BILL RESOLUTION NO. 15-51

**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. 15-51 containing 7 pages for a total of \$2,672,222.55 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

|                       |           |                        |
|-----------------------|-----------|------------------------|
| CAPITAL FUNDS         | 1132-1133 | \$ 1,916.12            |
| WATER OPERATING FUNDS | 3005-3047 | 202,943.99             |
| SOLID WASTE OPERATING | 5581-5669 | <u>2,467,362.44</u>    |
| <b>TOTAL</b>          |           | <b>\$ 2,672,222.55</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: September 8, 2015

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: September 8, 2015

DATE: September 8, 2015

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

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

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

**CORRESPONDENCE:**

Mr. Schweizer mentioned that there were only a couple items of items in correspondence this past month. As a follow-up to the Asset Management Plan, Mr. Schweizer reported that we received a proposal from Jacobs Engineering to do the second phase. He has not discussed this proposal with Andrew Holt nor done a review; we are still waiting for them to finalize the report in Phase 1 and provide asset information. So once that is complete, we will look at this proposal in more detail, but just from first glance, it looks fairly reasonable for what we are asking them do.

Mr. Schweizer mentioned that he included the article about Pond View. It showed up in the paper in August and mentioned that this is the development on Route 15 in Rockaway Township and is the recipient of the water by virtue of the Southeast Morris County M.U.A. water deal with Wharton. It appears that things are moving forward on that.

Mr. Schweizer informed the Board that he received a telephone call from the Mayor's Office and the Administrator in Jefferson. Ironically, they have been having some problems with their wells, which means that they are relying more on our water, which is all fine and they are doing so within the confines of our agreement. What they were wondering is if the 400,000 gallons of water that they gave back to the M.U.A. (when we were balanced our water) is being used for Rockaway Township. They were just concerned about that and Mr. Schweizer advised them that there is no connection between that water and the water that Rockaway Township is getting. The water for Rockaway Township is actually from Southeast Morris County M.U.A. utilizing water that they have rights to. Mr. Schweizer mentioned that he wanted the Board to aware of the fact that Jefferson Township raised that concern.

Mr. Druetzler commented that he thought Jefferson Township had a new well and Mr. Schweizer replied that they had two new wells. These wells were essentially the ones they were relying on to replace our water and they have been having problems with the capacity of those wells and they are in the process of hiring people to take a look at the structure of the wells and determine what is causing them to under produce.

Mr. Schweizer mentioned that the additional piece of correspondence will be covered in Old Business.

Letter Proposal dated August 19, 2015 to Glenn Schweizer from Albert J. Capuzzi, P.E., Jacob Engineering Group Inc., providing Phase 2 of the Asset Management Plan.

Daily Record Article dated August 23, 2015 entitled "Pond View holdup settled".

Letter dated September 2, 2015 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 August 2015.

Letter dated September 2, 2015 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 August 2015.

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

Mr. Holt gave the following updates: (1) Roof Repair Project – We are trying to coordinate with D&B Architects on receiving the final plans and specifications for the roof rebid project. Once we get that, we could still potentially advertise this month and be prepared to receive an award at the October 6<sup>th</sup> meeting.; (2) Rehabilitation of the Markewicz 3MG Water Storage Tanks 1 & 2 – This project is out to bid and we will be receiving bids on September 24<sup>th</sup>. We fully anticipate providing a recommendation at the October 6<sup>th</sup> meeting and am hopeful it will be to award a contract and not to reject again.; (3) Clyde Potts Pump Station - We got the wetlands delineated in the front yard of the Southeast Morris County M.U.A. Treatment Plant. There are some environmentally sensitive areas there that we will have to avoid if we are going to propose any type of structure out there to accommodate the redundant pumping capacity that the station needs. It was also identified in the Asset Management Plan as one of our critical assets. We have not decided on the basis of design as we are still waiting on whether it will be above grade or below grade or if there is an option for either but we should hear an answer for that in the next few weeks. Mr. Schweizer asked if there is any facilities owned by Southeast that could accommodate these needs on that property or within their service area and Mr. Holt replied that he is not aware of any but there are a few chambers that we own and control in the front yard there that we are looking at as potential real estate that we could make the Pump Station more serviceable and redundant. The rest of Southeast's facilities are for their use and Mr. Holt is not sure how easily we would be able to piggyback on what is already out there and we would have to comply with any zoning and ecstatic impacts that would have on the area. We will have a discussion with them further about our concepts and he will invite them to entertain any other suggestions if there was a way to do something either within their plan or as an addition to their building rather than a stand alone structure, there may be a cooperative way to make something work.; (4) Asset Management Plan – He will be meeting with Glenn further on that final deliverable and in the meantime, he has met with Tony Milonas and we got a procedure now where any upgrades and capital repairs and replacements are being cataloged in and logged in under the Asset Management Plan so that we can keep track and update the document.; (5) Well 8 – Well 8 is providing a few challenges for us. We had the wetlands delineation out there. Mr. Holt explained the history of the Well 6 and Well 8 facility. There are two man-made ponds and they were built or excavated for some purpose back in the day and they actually converted to some wetlands now. This is really going to affect what we can do near the ponds in terms of adding onto the building for our fresh filter or managing our back wash waste that we may create during the water treatment process. So we are going to have some discussions with the State about that and what our options are there. Mr. Platt questioned have these discussions been had yet and Mr. Holt

replied, no, just preliminary, not officially.; (6) Scrubs Oak – We have started the process of compiling the information that we will need to make an application for an allocation but there is still quite a bit of leg work to do there with the additional testing and updating of the reports that were created back in 2007; and (7) Well 8 Pump has been replaced and on his recommendation, they slightly upsized that pump so that it has the ability to meet the delivery criteria if and when we do build the pressure filter for turbidity treatment and in so doing that we also have some corresponding electrical upgrades to implement which Tony Milonas has gotten price quotes for and it is probably on the order of a few thousand dollars additional work above and beyond the pump and motor replacement that we will have to have done for us to be fully code compliant and operable. He is in the process of getting that done now.; and (8) Also you have your current water allocation permit renewal process. We have started that. It is due to occur this year before it expires next year.; and lastly, (9) We inspected the cap of the Mill Pond Road landfill. He explained that there is a bi-ennial inspection that is to occur and every two years we file a report with the State and all things are okay there. Mr. Holt also reported that we are working with Larry Kaletcher on the budget process as well.

## **PROJECT STATUS**

### **1. Roof Repair Project, Contract No. 36 Re-Bid**

A. We have received final design documents from D&B Engineers. Upon review of those documents, minor revisions and corrections were identified. Communications with D&B indicated they will deliver documents in early September, after addressing the minor final edits and detail adjustments on the bid documents provided by this office. We have begun the process of preparing the front end of the bid documents. Once D&B completes their portion, we can advertise this project for bid. Fall construction is still anticipated.

### **2. Rehabilitation and Recoating of the F.J. Markewicz Pumping Station Ground Storage Water Tanks 1 and 2 (Contracts 5R-15 and 23R-15)**

A. Upon MCMUA attorney review of the bid documents, it was determined all bids are rejected. The lowest bidder, Pro-Spec Painting, Inc. from Vineland New Jersey, was rejected due to a failure to include a “letter from the paint manufacturer certifying the contractor’s ability to complete the work described in this specification,” which is a requirement of the bid documents. Additionally, Pro-Spec named a subcontractor in a bid that does not possess a Public Works Contractors Registration Certificate at the time of bid opening. Failure to comply with the aforementioned requirements results in a material defect that cannot be waived by the Authority. The second lowest bidder, U.S. Tank Painting, Inc. from Millstone, New Jersey, was also rejected due to “The contractor and any subcontractor performing qualifying work must hold a current quality certification from the Society of Protective Coatings QP1 and QP2.” The contractor had not successfully completed the application process at the time of bid opening, therefore, the bid submitted must be deemed non-responsive. The remaining bids exceeded the pre-bid engineer’s estimate and were also deemed invalid. We have completed and prepared re-bid documents, and the legal notice shall be published on Wednesday, September 2, 2015, with bid opening scheduled for Thursday, September 24, 2015. We will review and prepare bid award recommendation for Wednesday, September 30, 2015, and anticipated MCMUA award for Tuesday, October 6, 2015.

### **3. Clyde Potts Pumping Station Pump Upgrade**

A. Preliminary design concept development and evaluation of the existing system is ongoing to determine if construction of a new pump station is feasible or if re-use of the existing below-grade chambers is permitted and feasible. We began sizing of the proposed pump configuration and began communications with vendors in determining if design parameters can be achieved with an underground pump station. Wetlands delineation occurred on Monday, August 31<sup>st</sup> to assist in determining environmental constraints. We will be preparing an existing conditions plan which includes wetland delineation. A property assessment was performed to determine if relocation of the pump station was feasible, to no avail.

**4. RFP-14-4W Research and Assemble Background Data & Prepare an Asset Management Plan**

A. We are awaiting receipt of the asset management plan which Jacobs Engineering has completed. Once the plan is obtained, we will evaluate and perform monthly updates to the information provided to accurately reflect current conditions of the system.

**5. Alamatong Well No. 8 Turbidity Preliminary Design**

A. We have received the filter vendor mechanical drawings for the proposed horizontal pressure filter. We continued the footprint analysis, evaluating existing building structural components, and are continuing to evaluate environmental regulations for the proposed filter location, filter discharge, and back wash discharge requirements. Preliminary design concept and cost estimates are expected prior to the next board meeting.

**6. Scrub Oaks Allocation Evaluation**

A. In accordance with the Board's direction, SCE is continuing the process of applying for the water allocation permit, which involves the evaluation and updating of information which has been previously provided to NJDEP. We are currently in communication with scheduling additional testing as well as evaluation and certification of the existing developed well. An application is anticipated by the end of this year.

**GENERAL**

**1. SYSTEM**

A. We observed the installation of replacement Well #8 pump and motor, verifying contractor's installation procedures and equipment were in conformance with specifications. The well replacement took place the week of August 10<sup>th</sup>. Currently, awaiting manufacturers' representatives to complete startup and testing. An electrical evaluation was performed to determine electrical requirements for the replacement pump.

B. We have begun completing the Water Allocation Permit Renewal for the Alamatong and Flanders Well Fields, with anticipated completion and submission prior to the October board meeting.

**2. MISCELLANEOUS**

A. We performed the semi-annual inspection and preparation of inspection reports for the Mill Pond Road landfill cap site on August 20, 2015. At this time, existing soil and vegetation surrounding the landfill cap are in good condition without evidence of stressed vegetation, no soil disturbance, no cracks, and adequate soil coverage. To satisfy NJDEP requirements, a second inspection will be performed in November upon which the formal biennial report will be submitted to NJDEP.

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

With regard to the roof project, Mr. Gindoff reported that he will be holding negotiations tomorrow for contractors who submitted bids that were responsive in our last bid process. If we can't come to terms with any of them that is agreeable to us, we could move those negotiations on to the rest of the world. Mr. Scapicchio asked if they are a joint session or do you negotiate individually? Mr. Gindoff replied we are going to negotiate with all parties at one time and ask them to submit pricing, almost like a sealed bid, and see if they give a price where it is worthy to talk to them. Mr. Carney added that the case law on that topic leaves a carte blanche in this case to the M.U.A. One of the cases he was reading comes out of Bordentown where they invite everyone in, you give them the same contract and the same terms sheet, and they write down a price. Then they ask if anyone is willing to lower their price and in that case they weren't; but their prices were lower than the original bid price and the Court held that was a negotiation.

Mr. Gindoff mentioned that with any luck we should have a resolution to consider on this project in October. Mr. Schweizer commented that if the four bidders that we call in cannot give us a price that we can accept, then we call in the low bidder who did meet the price standard but had a technical glitch in his bid and then we can have one other vendor come in and negotiate with them so it is likely that we will be able to come in with a winning proposal for the next meeting.

Mr. Scapicchio asked if we were trying to get the roofs done before the winter and Mr. Gindoff replied, yes, but it is not going to happen at this point. He mentioned that the roofs are to be installed based on a GAF standard and they are very strict about the timing on it and he is not sure that it is going to meet that deadline. We are starting the process and trying to make it by this season, but it is going to be tight.

Mr. Plambeck asked if we heard anything from the low bidder. Mr. Gindoff replied that we have not. He failed to bid on one of the alternates and that was his fatal flaw.

Regarding the air pollution control system at the Parsippany-Troy Hills Transfer Station, Mr. Gindoff advised that we have been discussing entering into an Administrative Consent Order (ACO) with the DEP on figuring out a way to get this system permitted and built. We have settled on the last issue that the timing of the clock would not start until DEP Air Pollution Permitting Office actually issues us a permit which we have to apply for. This was a good negotiation on our part to not being reliant on the DEP timetable and them issuing a permit for us to get this done. With that we certainly do recommend that you provide the authorization for us to execute the ACO and we get on with this project and get this system designed and built.

Mr. Platt asked if the permit sets the standards and Mr. Gindoff replied that they do not set the technology, but as they told us come in with any other technology and you are not going to meet our standards. Mr. Plambeck commented that timing is important based on the penalty schedule.

Chairman Dour commented that Alaimo is working with DEP on it and so they can issue a draft permit and they can make comments on it. Mr. Gindoff mentioned that the ACO requires us to submit the permit within 60 days from the execution of the ACO and then within 90 days, we have to obtain the actual permit from DEP. Mr. Gindoff mentioned what we were worried about was DEP sitting on the issuance of the permit. Mr. Schweizer added that we have now protected ourselves by not having the clock start until after they issue the permit and it was hard to get them to understand; to put their time as our risk was something that we would never agree to.

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

RESOLUTION NO. 15-52  
RESOLUTION AUTHORIZING EXECUTION OF THE ATTACHED ADMINISTRATIVE  
CONSENT ORDER BETWEEN THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND THE MORRIS COUNTY MUNICIPAL UTILITIES  
AUTHORITY PERTAINING TO AIR COMPLIANCE AT THE PARSIPANY-TROY HILLS  
TRANSFER STATION

**WHEREAS**, in 2010, the Morris County Municipal Utilities Authority ("MCMUA") and the New Jersey Department of Environmental Protection (the "Department") commenced negotiating an Administrative Consent Order ("ACO") to resolve an issue regarding the permitting of the air pollution control system at the MCMUA Parsippany-Troy Hills Transfer Station without trial or adjudication or penalties with those negotiations recommencing this year at a meeting held on April 27, 2015; and

**WHEREAS**, as a result of the aforementioned, on May 11, 2015, the MCMUA received a draft ACO from the Department which was then further negotiated, resulting in the third revised ACO, attached to the Department's forwarding letter dated August 24, 2015; and

**WHEREAS**, the MCMUA has agreed to cooperate with the Department's request to obtain a modified air permit involving state of the art design requirements in order to further control the potential release of fugitive dust to the ambient air at the Parsippany-Troy Hills Transfer Station in order to resolve this matter without trial or adjudication or penalties; and

**WHEREAS**, the attached ACO contains a compliance schedule that provides, among other things, within 350 days of obtaining approval of a modified air pollution control permit and certificate, the MCMUA will operate and maintain the Parsippany-Troy Hills Transfer Station in compliance with the modified air pollution control permit and certificate; and

**WHEREAS**, in order to operate the Parsippany Troy Hills Transfer Station in compliance with the modified air pollution control permit and certificate, the MCMUA will have 350 days from the issuance of the modified air pollution control permit and certificate to prepare bid specifications, procure a construction contract in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., construct and install the air pollution control equipment and make any building modifications for the same.

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

1. The Executive Director is authorized to execute the third revised ACO, forwarded by the Department's letter dated August 24, 2015, in substantially the form attached hereto.
2. The authorization granted herein is with the express understanding that the attached ACO shall not be construed or constitute an admission by the Authority of any liability whatsoever.
3. The Executive Director, staff and consultants are authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution and the ACO.
4. 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 September 8, 2015.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Barry made a Motion to authorize execution of the attached Administrative Consent Order Between The New Jersey Department Of Environmental Protection and The Morris County Municipal Utilities Authority Pertaining To Air Compliance At The Parsippany-Troy Hills Transfer Station and Ms. Szwak seconded the Motion.

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

Finally, Mr. Gindoff reminded the Board that there is a Household Hazardous Waste Day at the Fire & Safety Academy on Saturday, September 12, from 9 a.m. to 2 p.m.

Ms. Szwak asked how many open space applications did the County get? Mr. Gindoff replied that we have not had our first meeting yet so I don't know, but I heard there were between 8 and 10 applications. Mr. Schweizer heard that one may have backed out. Mr. Gindoff said that the Open Space Committee will be meeting before the October MCMUA meeting so he will report on it at the October meeting.

**TRANSFER STATIONS**

**Tonnage** – For the month of August 2015, the tonnage of solid waste accepted at the two transfer stations was 32,493 tons. This monthly tonnage for August 2015 is 1.73% greater than the 31,941 tons accepted a year ago in August 2014. Based on tonnage accepted for the first eight months of the year, for 2015 the annual total tonnage is currently projected to be 379,408 tons which would be 0.88% less than the 382,757 tons accepted in 2014. Please refer to the Transfer Station Disposal Report by Month for additional information.

**Transfer Station Roof Repair** – On July 29, 2015 the MCMUA received proposals for the roofing repair and replacement re-bid for both solid waste transfer stations. This was the second attempt to receive sealed bids for this project under the same bid specification. Since the bidder with the low cost proposal had a fatal flaw in its submission, the MCMUA could not award the contract to this low bidder. The MCMUA then evaluated the remaining four submissions to determine if they were responsive to the bid specifications with the exception of having proposals priced higher than the engineer's pre-bid estimate. After review of their submission, these four remaining bidders' submissions were determined to be responsive to the bid and therefore, the MCMUA may now choose to "negotiate" in accordance with limitations provided by the Local Public Contracts Law (LPCL). The MCMUA adopted a resolution at the August 11 meeting authorizing such negotiations.

Regarding the negotiation process, case law indicates there is no uniform means to perform negotiations, however, bidders that are determined to have provided a responsive proposal on a second bid must be notified of the intention to negotiate and be afforded an opportunity to negotiate. It is scheduled to conduct a bidders negotiation session on September 9 at the MCMUA office. During the session, the MCMUA will open negotiations to all four responsible entities that bid on the second occasion. If at the end of the day none of the bidders' pricing is lower than the pre-bid engineer's estimate, then the MCMUA would be allowed to open up the negotiation to the world, which would include the low-cost yet non-responsive bidder from the

second bid. If the result of the negotiations are that the lowest price is still not equal or below the pre-bid engineer's estimate, then it may be reasonable to accept the lowest price, but only provided that it is lower than any of the bid prices. If the negotiations are successful than a resolution will be prepared for the MCMUA's consideration at the October meeting awarding a contract based on these negotiations. LPCL would require a two-thirds affirmative vote of the MCMUA Board regarding the resolution at the time of awarding a contract based on such negotiations.

**Transfer Station - Parsippany Air and Solid Waste Facility Permits** – For the past few months the MCMUA has been trying to come to agreement with NJDEP's Bureau Air Compliance regarding a few final issues contained in the draft administrative consent order (ACO) we have been working on. This ACO lays out the scheduling for the permitting and implementation of an upgraded air pollution control system at the Parsippany transfer station. The final point of contention was related to when the clock for final implementation would start ticking. NJDEP wanted it to start after the execution of the ACO whereas the MCMUA wanted it to start after the MCMUA obtained its modified air pollution control permit from NJDEP. This permit would be issued after the MCMUA submitted an application for such modification to NJDEP. The MCMUA was concerned that it had no control over the timing of NJDEP Air Permitting issuing a modified permit after submission of a modification request and therefore, the MCMUA wanted to the clock to start after NJDEP issued the permit. The MCMUA was able to convince NJDEP to incorporate our desired start-time into the ACO which was the last major point of contention. MCMUA legal counsel (Maraziti) and engineer (Alaimo) have both reviewed the revised ACO and agree to its execution at this time. A resolution will be prepared for the Board's consideration at the September 8 meeting that authorized the execution of this ACO.

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation and Events** - During August 2015, a total of 255 residents and businesses delivered waste to the permanent household hazardous waste (HHW) facility in Mount Olive. This is up in participation from the previous month of July 2015, when 218 participants used the facility and it is also up in participation compared to August 2014, when 227 participants used the permanent facility. The next one-day HHW event will be on September 12, 2015, also at the Public Safety Training Academy. The final day of the year will be at the Jefferson Township DPW on October 18, 2015.

**Renewal of Contracts for HHW Programs** – In early September the MCMUA issued a request for quotations for the lead-acid batteries it accepts for recycling at the permanent household hazardous waste facility. It is anticipated that quotations will be received at the end of September and a resolution will be drafted for the MCMUA Board's consideration at the October 6 meeting.

## **VEGETATIVE WASTE MANAGEMENT – August 2015**

**Facility Report** – The vegetative waste figures for August 2015 were provided in the Vegetative Waste Management Report. Both sites are being groomed and prepared for the upcoming leaf season. Extended leaf season hours for drop-off of leaves at the Parsippany site will begin on Sat., October 24 and will continue through December 5, 2015. Residential delivery of truckloads of mulch and compost are scheduled to continue through September 25, 2015.

## **RECYLING REPORT:**

Ms. Hourihan mentioned that she has a resolution to authorize a new curbside collection contract with the Township of Pequannock and we are going to fit them in our schedule for every Monday collection. The Board congratulated Ms. Hourihan for her efforts in securing this new customer.

Mr. Druetzler asked why do we keep doing plastic pesticides container recycling? Ms. Hourihan replied that we are going to continue to hold the scheduled programs until the end of the year and that next year she is looking to do a more concerted advertising effort and also wants to only have two collection programs next year instead of six and potentially look at coordinating with a different market instead of using ReCommunity as our market. Mr. Hudzik commented that

pesticide containers stuff is really professional so they have to be disposed by the applicator. Ms. Hourihan mentioned that it can't be done by the general public, you have to have an applicator's license to bring containers to us and they do get certification credits so that is something that the Department of Agriculture likes to be able to offer. She mentioned that there seemed to be some interest in having a program in the North because there isn't one here yet and there are several in South Jersey. She added that we could decide if we want to target other pesticide applicators like pest companies, landscapers and even golf courses.

Ms. Hourihan asked the Board's approval of the following Resolution:

RESOLUTION NO. 15-53  
RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT FOR  
CURBSIDE COLLECTION OF RECYCLABLE MATERIALS

WHEREAS, the provisions of the "New Jersey Statewide Mandatory Source Separation and Recycling Act," (N.J.S.A. 13:1E-99.11 et al.) (the "Act"), require every municipality in this State to provide for the source separation and recycling of marketable materials generated from residential premises within its jurisdiction; and

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) desires to assist municipalities in meeting their recycling goals by providing curbside pick-up and a convenient outlet for disposal of recyclables; 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 contracts with municipalities 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, pursuant to N.J.S.A. 40A:65-4(a)(3)(b), any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, pursuant to rules and regulations promulgated by the director; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5, local units entering into shared services agreements must adopt a resolution authorizing and clearly identifying the agreement and ensure that a copy of the agreement shall be open to public inspection at the offices of the local unit immediately after passage of a resolution to become a party to the agreement; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5(c), the agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement; and

WHEREAS, uniform shared services agreements are exempt from the bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the MCMUA wishes to enter into new agreements to provide for the curbside collection and marketing recyclable materials with:

the Township of Pequannock commencing November 1, 2015 for five (5) years until October 31, 2020; and

WHEREAS, the agreement shall supersede any previous agreements entered into by the MCMUA and the Township of Pequannock providing for curbside collection of recyclable materials; and

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

1. The Executive Director of the MCMUA is hereby authorized and directed to execute said Agreement in substantially similar form as that on file in the office of the MCMUA.
2. This contract is awarded without competitive bidding pursuant to 40A:11-5(2) of the Local Public Contracts Law.
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 September 8, 2015.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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Marilyn Regner, Secretary

MOTION: Mr. Druetzler made a Motion to authorize the execution of Agreement For Curbside Collection of Recyclable Materials with the Township Of Pequannock and Mr. Platt seconded the Motion.

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

**Recycling Operations**

**Revenue and Tonnage** – During August, the June statement was finalized and the preliminary July statement was received on August 13 in the amount of positive \$7,233.04, which means it is a payment from ReCommunity to the MCMUA.

The tonnage collected by the MCMUA for recycling during August was 1,106 tons. The monthly tonnage is shown by material and by customer on the attached report.

**Pequannock Township Curbside Collection** – In April, staff presented a curbside recycling collection proposal to Pequannock Township. The Township went out to bid for garbage, recycling and vegetative collection services and opened the bids in early August. On Tuesday, August 12, staff was notified by Pequannock Township that the MCMUA’s proposal for curbside collection services was accepted. On August 17, staff met with the Township’s Recycling Coordinator and DPW Superintendent to review the contract and work involved. After the meeting, staff visited all the sites in the Township to receive dumpsters that the MCMUA will supply under the contract. On August 26, staff was notified that the Township adopted a resolution approving the contract at its August 25 meeting. Staff will present a resolution to the MCMUA Board at the MCMUA’s September meeting requesting approval for the MCMUA to execute the contract with Pequannock.

The contract provides weekly, single-stream collection services to Pequannock Township, every Monday, and runs for five years, beginning November 1, 2015. There is no roll-off service, since the Township has no recycling center. As written into the contract, the Township has the option to include schools and holiday make-ups for the pricing specified. In order to schedule Pequannock in the MCMUA’s collection program for every Monday, one of our towns currently scheduled on every-other Monday, preferably Wharton Borough, needed to switch to the opposite Monday. Wharton has agreed to switch and the MCMUA will provide assistance to the Borough to advertise the new collection schedule. The MCMUA has compiled a list of the dumpsters needed for the Township and is in the process of obtaining quotes to purchase them. Additional dumpsters may be needed if the Township opts to add the schools to the contract. Staff has a

meeting planned for September with the Township to review educational materials. The Township's recycling service is currently dual-stream and is switching to single-stream. Additionally, the collection days are changing to every Monday. These changes need to be advertised in advance of November 1 and the MCMUA will assist with these efforts.

**Staffing for the Curbside Collection Program** – Since the approval of the resolution at the August meeting authorizing the MCMUA to execute a short-term contract with Labor Ready to provide Sanitation Workers to work at the back of our collection vehicles, staff has been working to get the insurance documents approved and to get the contract executed. The contact at Labor Ready was away for two weeks and this caused a delay in finalizing these documents. Now that he has returned, some progress is being made, however staff hoped to have this contract started before the end of August. This short-term contract is anticipated to run for approximately 15 weeks for an amount not to exceed \$17,500. In the meantime, staff finalized the bid specification for this same work for a longer term, two-year contract with an optional two-year extension. The bid specification has been advertised and is available as of September 2 and bids will be opened on September 29. Staff decided to move quickly to make this bid available sooner to allow time for re-bidding, if necessary.

**Shared Services Contract with the Township of Parsippany** – The MCMUA has begun drafting a shared services contract with the Township of Parsippany. The contract will allow for either party to provide services to the other. The primary reason for the need for this shared services contract is that the MCMUA needs back-up services for our garbage collection contract with the County of Morris. This contract began in 2013 and entails having the MCMUA collect garbage from 19 County sites using a front-load garbage truck. The MCMUA owns only one front-load garbage truck. Until now, the MCMUA has been able to work on this truck in between collections, as collections are done every other day. Currently, the truck, which was purchased used, needs a new cab and the time estimated for this repair is two weeks. Parsippany has agreed to assist the MCMUA in this capacity and is very open to the idea of the shared services contract. The contract will be written to allow for Parsippany to provide services to the MCMUA and vice versa. Additionally, the contract will allow for other services to be provided in addition to front-load garbage collection. Staff plans to have a resolution ready to present to the MCMUA Board at the October meeting for approval of this shared services contract.

**Covering Open-Top Roll-off Containers** – During August, staff met with the following towns at their recycling centers to demonstrate the plywood and plastic cover systems and to offer to have them test the systems for a period of time.

- Tuesday, August 4, staff met with Morris Plains
- Tuesday, August 25, staff met with the Town of Boonton and Boonton Township
- Monday, August 31, staff met with Washington Township.

Staff received good feedback from each of the visits regarding what will and will not work at each town's recycling center and discussed other ideas for minimizing snow covered loads in the winter.

**Auction of Roll-off Containers** – For the auction for the 14 roll-off containers that was conducted from July 9 to July 21, all 14 containers sold, however payments were received for only 8 of the 14 containers. Those 8 containers have been removed. The buyers of the other 6 containers defaulted and staff is deciding how to proceed with these remaining containers.

**Plastic Pesticide Container Collection Program** – On Thursday, August 20, the fourth collection program was held for pesticide container recycling. Once again, no pesticide containers were received. The next program is scheduled for Thursday, September 17.

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

**Clean Communities** – On August 5, staff participated in a meeting of the Best Practices Manual Committee of the Clean Communities Council. This committee meets annually to update the manual. On August 13, staff assisted with Mike Flora's presentation on illegal dumping that he gave to the Clean Communities Training Certification class in Margate. On August 14, staff sent a copy of the new flyer which addresses illegal dumping to ANJEC for distribution. Educational Programs: In August, the MCMUA funded 10 educational programs at summer camps and

libraries. **Road Clean-ups:** On August 3 and 17, MCMUA curbside crews cleaned sections of Mt Arlington Blvd in Roxbury and Dover Chester Road in Randolph, Chester Borough and Chester Township for a total 15 miles counting both sides. Since the MCMUA is taking on a new curbside town, the MCMUA curbside crews will no longer have time to do road clean-ups. Therefore, staff plans to go back to working with a private company to do road clean-ups. The MCMUA used to work with a company called Adopt-A-Highway Litter Removal Services of America, Inc. before the MCMUA curbside crews were available to do the road clean-ups. Staff is in contact with this company again.

**2015 Food Waste, Tire Clean-up & Public Space Bonus Recycling Grant** – The deadline for this grant, originally June 30, 2015, was extended to October 30, 2015 as a result of a letter that staff wrote to the NJDEP requesting an extension. During August, staff spoke with a representative of the NJDEP about the fact that requests already received are in excess of the \$400,000 available, to see if there will be a possibility of any funding remaining, when and if Morris County submits a grant application for a potential food waste project. The NJDEP contact told us the extension is holding everything up and that we should submit a request as soon as possible.

Staff has been planning to complete a simple study of the amount of food waste generated at the County College of Morris and at Morris View Healthcare facility in order to determine if there is a plausible method available for food waste composting. Then the appropriate party would submit a grant request accordingly.

On August 19, staff met with representatives of Morris View Healthcare facility to discuss quantifying the food waste generated. Staff is in the process of obtaining the equipment necessary to measure the food waste.

Staff would like to do the same measurement at the County College of Morris and has reached out to set up a time to do that, but has not yet heard back from the College.

**Recycling Inspections/Outreach** – During August, a total of 15 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors.

During the month, staff worked with generators and haulers to inform them of the recycling requirements in Morris County. Some of the meetings and phone calls with generators included:

- On Monday, August 8, staff, along with the Rockaway Township Recycling Coordinator, met with representatives of the DSW store and Kirkland's store in the Rockaway mall.
- Also, on August 8, staff met with the district leader at the new QuickChek store in Mt Arlington as a result of two loads having been delivered from this construction site to the transfer stations with corrugated cardboard.
- On August 18, staff met with representatives of Diagnostica Stago, Inc in Mt Olive in follow-up to four loads delivered to the transfer station with corrugated cardboard. The company was getting rid of old inventory which was contained in corrugated boxes. The company got a confusing message from the hauler about how to properly dispose of the items. They will begin to separate the corrugated boxes from the contents. Staff returned to the company on August 28, at their request, to ensure that they were now properly sorting their mandated materials.

**2014 Municipal Recycling Tonnage Reports** – As of August 28, all of the 39 municipal recycling tonnage reports for 2014 have been received.

**Event Containers** – The MCMUA's event containers for recycling and garbage were lent to the Borough of Wharton for the Canal Day event on August 22.

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

- On Thursday, August 10, staff picked up free educational materials from the US Dept of Agriculture's Natural Resource Conservation Service office located in Hackettstown. The USDA's office had accidentally received a double order and needed to get rid of some items. Staff has learned that this office has makes these educational items available at no cost. The USDA has a booklet called "Your Hometown Clean Water Tour" which overlaps very nicely

with the MCMUA's educational messages including, grass cut it and leave it, using mulch in your garden, water conservation, watershed awareness, proper disposal of used motor oil and litter abatement.

- On Wednesday, August 12, staff toured Earth Friendly Products, a business in Parsippany which manufactures eco-friendly cleaning products. This company has a great recycling program. In May, staff listened to presentation given by a representative of Earth Friendly Products at a NJ Wastewise Business meeting. Later that month, staff made an initial visit along with the Parsippany recycling coordinator.
- On Thursday, August 20, staff gave a presentation to Mt Olive Girl Scouts Service Unit at the Mt Olive Library.
- On Friday, August 21, staff took photos of the recycling containers at the fields in Central Park for a sign to be hung on the fences in the park to assist the Park Commission's recycling efforts there.
- On Saturday, August 22, staff participated in the Canal Day event in Wharton Borough as an exhibitor.

**PUBLIC PORTION:**

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

**OLD BUSINESS:**

Mr. Schweizer advised the Board that we did have our auction last week for the two properties; one was the Beckman House and the second one was the vacant property along New and Edwards Road near the transfer station. We had one interested party for the vacant property who we anticipated as he is the adjoining property owner who operates the Ajaco Towing Company. They are interested in leasing the property from us so they can expand parking for their vehicles. He mentioned that we did get a bid and it was above the appraised value and all the permits and the responsibility for securing approvals necessary for whatever he wants to do on the property is his responsibility. He plans to put up a fence and screen it from the surrounding area and it is right next to the Route 280 ramp and our transfer station so it is not a visible issue. We were happy with the result.

Mr. Scapicchio asked what is the term of the lease and Mr. Schweizer replied, 10 years. He wanted a right of first refusal but we were not able to do that as we are only able to offer properties through the public auction process. Ajaco really wanted to buy the property but Mr. Schweizer commented that we are not ready to get rid of the property yet because we may need it for transfer station purposes. We have a one-year out clause should we need to use the property.

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

RESOLUTION NO. 15-54  
RESOLUTION TO ACCEPT HIGHEST BID MADE AT  
PUBLIC AUCTION SALE FOR THE LEASE OF  
LOTS 17, 18 & 19 IN BLOCK 770, PARSIPPANY-TROY HILLS TOWNSHIP

WHEREAS, the Morris County Municipal Utilities Authority ("MCMUA") is the owner of land located at New Road and Edwards Road, Parsippany-Troy Hills Township, N.J., and known as Lots 17, 18 & 19 in Block 770 of the Tax Map of the Township of Parsippany-Troy Hills, (hereinafter referred to as "the Property"); and

WHEREAS, by Resolution, the MCMUA has determined that such Property is not needed at this time for public use and has offered the Property for lease at public auction, in accordance with the requirements and provisions of the Local Lands and Buildings Act, N.J.S.A. 40A:12-1 et. seq. and the terms and conditions of the Notice of Lease and the Lease Agreement; and

WHEREAS, the MCMUA has provided the Notice of Lease in the Daily Record, and has also provided for advertisement of the public sale through the services of Coldwell Banker, the

broker engaged by the MCMUA, who has also widely circulated information regarding the public sale; and

WHEREAS, an open public auction was held on September 2, 2015 at 7 p.m. in the First Floor Meeting Room at the Cultural Center; and

WHEREAS, the highest bid at the open public auction was submitted by Ajaco Towing, 1029 Edwards Road, Parsippany-Troy Hills Township, N.J. in the amount of \$2,300.00/month, together with a security deposit in the amount of \$3,000.00 and a fully executed Lease Agreement, all in accord with the terms of the Notice of Lease; and

WHEREAS, Counsel for the MCMUA has advised that all legal requirements regarding the receipt of the bid have been satisfied.

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

1. The bid of Ajaco Towing in the amount of \$2,300.00/month for the lease of the Property is hereby accepted in accordance with the terms and conditions of the Notice of Lease and Lease Agreement, which are hereby incorporated herein by reference as if fully set forth.

2. The Officers of the MCMUA and the Executive Director are hereby authorized to execute the Lease Agreement, and to do and take all actions to implement the provisions of this Resolution and the Lease Agreement, without further authorization of this body.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on September 8, 2015.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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Marilyn Regner, Secretary

MOTION: Mr. Plambeck made a Motion to accept the Highest Bid Made At Public Auction Sale For The Lease Of Lots 17, 18 & 19 In Block 770, Parsippany-Troy Hills Township and Mr. Druetzler seconded the Motion.

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

With the auction of the Beckman house, Mr. Schweizer mentioned that there was no interest, which was not a surprise to us or our auctioneer. There is a copy of a letter in your folder this evening that is going out tomorrow to our contact at the State Historic Preservation Office essentially just listing the process that we went through for the auction. This is a same process that we have used over the last 20 years and we have sold over 12 properties in Washington Valley alone right next to

Beckman and we have been successful on every one except this. He added that our initial application is still on file, which was the application to get their approval to demolish the house. This was rejected and we had to go through several hurdles and we are at the end so hopefully they will issue the approval. Once we take the house down, it is just under two acres and right next to all the other property that we transferred to the County as open space, we will transfer it to the County's open space and eliminate the tax liability because presently we are still paying taxes on it. So we have to complete this transaction with the County by the early part of 2016 or else we will be beholding of another year of taxes to Morris Township.

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

### **NEW BUSINESS:**

Mr. Schweizer mentioned that he has one item for New Business and it is relative to a Board Member who is attending his last meeting. Ode to Dick Plambeck. I am happy and honored that you were able to attend tonight's meeting, which will be your last meeting, although you can pop up here from time to time until February 2019, as you still have a number of years left on your appointment. You had a distinguished career with many recognitions and accolades along the way. You have a Masters degree in Civil Engineering from the University of Illinois. Dick was a recognized engineer at Exxon Research & Engineering for many years. He served as Mayor and Councilman in Chatham and appointed to the MUA Board in 2007 replacing Bernie Guenther. Dick was awarded Chatham's JC Award in 2008 and recognized for his work mostly with the Passaic River Coalition and it was through those efforts that I met Dick and was able to convince him to come and join the MUA family. He was also instrumental in the Southeast Morris County League for Strategic Solutions. Dick has done an awful lot of work for the community, both locally and in Morris County. He was on the Open Space Committee for a couple terms. He served as Chairman and Vice Chairman of the M.U.A. while along serving as a prominent member of the Water Committee. His knowledge of water supply issues has been obvious to all of us. He was recently presented with the Boy Scouts of America Lifetime Achievement Award this past April which I was fortunate enough to attend. It was nice to see an M.U.A. guy get recognition for his years of helping with the Eagle Scouts and in mentoring young people and the list goes on and on.

Mr. Schweizer said he is happy to advise Dick that you will not have to pick up and move down to Delaware with an M.U.A. resolution, though of course you are well deserving of that. But even better than all these accolades and recognitions, we would like to present you with something that is more meaningful to you and that is going to be "pie", and your favorite pie, strawberry rhubarb.

Mr. Schweizer thanked Dick personally for all the time and efforts that you provided to the M.U.A. Board and you have been a terrific Board member and the County of Morris has gained an awful lot from you being here and I thank the Freeholders for allowing us to recommend and to select such competent people because this Board has a lot of them. Enjoy your time and your new home in Delaware.

Mr. Plambeck commented that he has had a great time being on this Board and I appreciate the opportunity to serve on this Board and was surprised when I was asked but very much appreciated it. I was able to bring some things to the table but I also took a lot from this table that I could apply elsewhere and unless you have served on that Open Space Committee, there are parts of this County that you never see except in one of their bus or jeep trips in order to get to them. If you have an opportunity to serve on that Committee, it is wonderful thing and having served on our Open Space Committee, I really appreciate this County and what it has been able to do in preserving this space and preserving the parkland. I really appreciated all my time here with all of you and having a lot of fun, whether it was the dinners or checking on who recycled the most or what is really down that well. It's been fun and I've been able to see things from a different perspective, but most importantly, it's working with people that I am very proud of and I realize how serious everyone here is about doing the best for the County and we have done that over the years. Thank you for letting me serve. The Board thanked Dick for his service.

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

There being no further Business, Chairman Dour asked for a Motion to adjourn the meeting at 7:54 p.m.

MOTION: Mr. Plambeck made a Motion to adjourn the meeting at 7:54 p.m. seconded by Mr. Hudzik and carried unanimously.

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Marilyn Regner  
Secretary

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