

MINUTES OF REGULAR MEETING

MAY 10, 2016

The Regular Meeting of the Morris County Municipal Utilities Authority was held on May 10, 2016 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.

Chairwoman Szwak requested a roll call.

PRESENT: Mr. William Hudzik, Mr. James Barry, Dr. Arthur Nusbaum, Mr. Christopher Dour, Mr. Fletcher Platt, and Ms. Szwak.

ABSENT: Mr. Frank Druetzler and Dr. Dorothea Kominos.

Also present was Glenn Schweizer, Executive Director; Andrew Holt, P.E., Suburban Consulting Engineers; Larry Kaletcher, Treasurer; Marilyn Regner, Secretary; Brent Carney, Esq., Maraziti Falcon LLP; Larry Gindoff, Solid Waste Coordinator; Kathleen Hourihan, District Recycling Coordinator; and William Schroeder, Nisivoccia LLP.

Chairwoman Szwak asked for the Board's approval of the Minutes of the Regular Meeting of April 5, 2016.

MOTION: Mr. Barry made a Motion to approve the Minutes of the Regular Meeting of April 5, 2016 and Dr. Nusbaum seconded the Motion.

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

TREASURER'S REPORT:

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating, Water Operating and Capital Accounts for the month of April 2016. Also included are the Comparative Balance Reports for the Solid Waste and Water Divisions through April 30, 2016, and the investment report shows no new investments purchased in the month of April. These reports have been incorporated in these Minutes.

Chairwoman Szwak 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. Dour seconded the Motion.

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

Mr. Kaletcher announced that Mr. William Schroeder of Nisivoccia LLP is in attendance this evening to discuss the 2015 MCMUA Audit.

Mr. Schroeder reported a change this year in governmental accounting called GASB 68. We had to record the pension liability which is actuarially calculated by the State of New Jersey. It impacts Authorities even harder because we are on a full accrual basis of accounting, we actually had to book it on the balance sheet, whereas all other municipal entities do not have to book it on the balance sheet, it is just a footnote disclosure. The fund balance went up even with the pension liability. Again this year the Open Public Employee Benefits was not ready by the County and therefore we had to come up with an estimate. Other than that you are very healthy, the records you receive all through the year can be relied upon and you are in really good financial shape.

Chairwoman Szwak asked the Board for a Motion to accept the 2015 Audit:

MOTION: Mr. Dour made a Motion to accept the 2015 Audit and Mr. Barry seconded the Motion.

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

Chairwoman Szwak asked for the Board's approval of the vouchers:

BILL RESOLUTION NO. 16-24

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. 16-24 containing 7 pages for a total of \$3,010,412.63 dated and made a part hereof by reference.

SUMMARY

CHECK NUMBERS

CAPITAL FUNDS	1140	\$ 1,747.94
WATER OPERATING FUNDS	3313-3359	563,223.74
SOLID WASTE OPERATING	6404-6518	<u>2,445,440.95</u>
	TOTAL	\$ 3,010,412.63

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: May 10, 2016

BOARD CHAIRMAN APPROVAL

James Barry, Vice 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: May 10, 2016

DATE: May 10, 2016

Larry Kaletcher, Treasurer

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

Mr. Platt asked if the bill for Uhl Associates for \$35,000 is consistent with their proposal and Mr. Schweizer replied it is, but the total of the project is up a little due to the extra testing that DEP required them to do.

Dr. Nusbaum asked are the host community benefits of Parsippany and Mt. Olive constant. Mr. Schweizer replied that it is \$4.50/ton plus 10% discount on waste that they bring in from those towns. Dr. Nusbaum asked do we an ongoing contract with the towns or is that just part of the Solid Waste Management Plan that the host community benefits are built into? Mr. Schweizer replied that the agreements have been updated and they are perpetual.

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

CORRESPONDENCE:

In the correspondence that was mailed to all the Board members, Mr. Schweizer reminded the Board that next Tuesday is the Volunteer's Reception hosted by the Freeholders. In Item 4 which was the information that we received from the Highlands Council, Andrew will discuss that in more detail during the Engineer's report. On Item 7, an email from Kelli Kovacievic from the Park Commission regarding the deer management program, Mr. Schweizer mentioned that he needs the Board's decision. The results are not as high as last year, but it still deemed to be successful. The total number of deer harvested throughout the entire program was down not only in Morris County but throughout the State. Again each year Kelli makes the request that MUA suspend its special program features: we do not allow hunting on Saturdays; we do not allow cross bows; bow hunters must be from a tree stand; and we don't allow the driving of deer into a kill area. Mr. Schweizer reminded that when the Board was asked to change the parameters last year, we respectfully denied that and we wanted to keep the program intact. The Board concurred to keep the parameters the same as last year. We included Item No. 8 which recognizes the good staff work that we do and this article in particular recognizes Liz Sweedy and her work with a resident from Roxbury. Also included in your packets this evening is a letter which was issued to each of the municipalities regarding our open space trust fund program. This is just a reminder to the towns that the MUA does have a portion of the County Open Space Fund and it is made available to municipalities and non-profits to help support their efforts to acquire open space properties in their municipalities.

Letter dated April 1, 2016 to MCMUA Board Members from Richard A. Alaimo, P.E., P.P., President, Alaimo Group, thanking the Authority for reappointment as the Solid Waste Engineer.

Letter dated April 20, 2016 to Glenn Schweizer from Joseph T. Vitale, President, CCM Foundation, thanking the MCMUA for their \$350.00 donation to the CCM Scholarship Foundation.

Letter dated April 29, 2016 to the Department Director from the Freeholder Director Kathryn A. DeFillippo advising that the Freeholders will be hosting the get together for the volunteers who serve on Morris County Boards, Commissions and Authorities on Tuesday, May 17th from 5:30 p.m. to 7:30 p.m. at the Frelinghuysen Arboretum.

Letter dated May 2, 2016 to Glenn Schweizer from Margaret Nordstrom, Executive Director, Highlands Water Protection and Planning Council, regarding the Water Allocation Permit for the MCMUA's Scrub Oaks Mine Well.

Letter dated April 14, 2016 to Larry Gindoff from Peter R. Yarem, Esq., Scarinci Hollenbeck, regarding transfer of general approval from Nature's Choice Corporation to Northeast Products LLC for the recycling center for Class B materials and Email Response dated April 15, 2016 from Larry Gindoff.

Letter dated April 27, 2016 to Amy Rhead, Municipal Clerk for the Township of Roxbury, from Larry Gindoff regarding Morris County Solid Waste Management Plan Modification Request for Nature's Choice Corporation, LLC – Class B Recycling Facility

Modification - Transfer Ownership to Northeast Products, LLC.

Email dated May 3, 2016 to Glenn Schweizer from Kelli Kovacevic, Morris County Park Commission, regarding Deer Management Program.

Roxbury Register News Article dated April 27, 2016 entitled “Roxbury man’s passion for recycling earns him state accolades”.

Letter dated May 5, 2016 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 April 2016.

Letter dated May 5, 2016 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 April 2016.

ENGINEER'S REPORT:

Mr. Holt reported on the following: (1) Roof Contract –The current status of Contract 36, the roof repair project, is the roofs are all essentially complete. Unfortunately, we have had two leaks appear at Flanders Valley Well 2 so something is going on with Flanders Valley Well 2 roof that is not correct in terms of the installation. The contractor came out and fixed one leak and on May 3rd another leak appeared so the contractor is engaging Kempler, the manufacturer, to come out and do an evaluation to figure out what went on with this particular application installation at Flanders Valley 2 that is allowing the water to come in. We are not sure how the water is getting in through the liquid applied membrane. We are not moving forward on any processing of payment recommendations; they are 75% paid on the job and work is 100% complete minus this deficiency. Subject to the satisfactory repair and replacement, Mr. Holt is inclined to even compel them to furnish some type of additional warranty.

Mr. Hudzik asked does the roofing manufacturer have a warranty and Mr. Holt replied yes. Mr. Hudzik said that they should honor that and Mr. Holt said they will. Mr. Holt commented that this is a little disheartening but I’m sure they will get it fixed.

We also just received bids on May 6th on part 2 of that program, the re-roofing of the other four wellhouse structures. The bid numbers were satisfactory and we have engaged Brent Carney to take a look at aspects of the low bidder’s documents which Mr. Carney is requesting clarification. Mr. Holt mentioned that we have a letter going back to the bidder requesting clarification on his use of subcontractors and how they intend to address the removal and replacement of certain mechanical equipment on the roofs to enable the roofing installation.

Mr. Carney mentioned that the issue there was on the subcontractor list there was no listing of subcontractors and in the bid form, the bidder checked the box that they were not going to engage subcontractors. The registration certificate that is attached as part of the bid documents from the State of New Jersey, Division of Consumer Affairs, identifies the bidder as a home improvement contractor but specifically states it is not a license for an electrician or a plumber. We have a letter of clarification that Suburban is issuing just requesting who the in-house personnel are and please provide a copy of the license for all the subcontractor categories of work that are required by the bid specs. So if the contractor is able to satisfy that, then I can conclude that there is not a material defect with the bid. If the contractor is not able to provide that, then there is a material defect with the bid and we move onto the second lowest bidder, which is Integrity. My preliminary review of that bid was I did not find any material defects in that bid.

Mr. Holt added that we can expect to discuss that probably at the next board meeting with a recommendation.

(2) Rehabilitation of the Markewicz Pump Station Groundwater Storage Tanks - Tank No. 2 is substantially complete and disinfection and filling of that tank will occur later this week. Bacteria testing next week and put it back on line. Alpine Contracting did complete the job and we made one minor schedule adjustment so they are within the time permitted for this work. We anticipate their return in the fall to do the second tank.

As a related topic, we did discuss before the Water Committee earlier this evening a proposal from the contractor and the paint manufacturer to use an alternative coating system. We are going to go back to them with an outline of what we would request or require if we were to permit them to use this alternate material on the interior lining. He mentioned that it is a permitted tank coating system but it is one that is not yet widely used and we would like to see a side-by-side comparison and the benefit to the Morris County M.U.A. would be expected extended useful life beyond what we can get from what we did specify. As long as what we outline to the manufacturer is acceptable to them, it is going to be structured where we are not at risk. We are going to request an extended warranty. If at the end of the day if it cannot be resolved throughout the summer, and amicably we have already authorized to proceed with 100% solids which was prescribed in the contract documents and there would be no downside there.

Also related to our Markewicz facility and in line with the findings of our Asset Management Plan, the Markewicz Electrical Switchgear Upgrade Project was kicked off with the engineering consultant ATI. We had a meeting with Ralph Rocco on May 3rd and he has obtained all the relative information that he needs to make his assessment and evaluation of the options. This is really to provide additional resiliency and redundancy at our critical pumping facility. The switchgear that is there is original and the finding of the Asset Management Plan, we are risk if that ever did fail catastrophically. The cost would be to do an upgrade and at the same time achieve greater redundancy. We expect those findings later this summer.

(4) Scrub Oaks Well Project – This topic was also discussed with the Water Committee. We did receive a letter from the Highlands Council. That letter is in response to our application for consistency determination associated with the new Scrub Oaks Mine Well allocation permit application that we made at the State. The Highlands Council is seeking more information from the MUA to help them understand and document for their needs consistency of this new diversion with their goals and policies. There are things like net water availability, deficit in the sub-watershed; we have to prove to them to their satisfaction that we are not going to aggravate that as a result of pulling more water out of the mine. We have to demonstrate to their satisfaction that there is a need for additional water in Morris County and that we have exhausted other options; those are the primary areas of concern. The consensus of the Water Committee was to move forward in a response document here and engage what their response to that is. If we can satisfy them, that is great. If they push back with many more comments, we going to need to re-think where we are headed on this.

He mentioned that we have also done some preliminary concepts. The water quality sampling that was done earlier this year, we have all those results back. The water quality is, other than iron and manganese, all meeting potable standards. We know if going forward if this is to become a permanent source, it will need treatment for iron and manganese removal.

(5) Clyde Potts – We have had some discussion with Southeast Morris County M.U.A. and we are hoping to meet with them in the summer to review their system needs, their system evaluation that is ongoing and then see how that relates to our ownership and operation of a pumping facility at Clyde Potts.

(6) Southeast Morris County M.U.A. – We have had some back and forth with the question on the bill for the contract amount through 2015. It is our intention that we are really precluded from being able to take every gallon that we contracted for by virtue of the system operating conditions. So they are coming back with the assessment of our data and I am not sure where we stand on that. Mr. Schweizer commented that we have to discuss that and whether we can present a plausible argument why we weren't able to take 600,000 gallons a day given what they know of their system from the point of their treatment plant to them providing us water at the Clyde Potts Pump Station. Mr. Holt added that it is just one more reason that we meet with them this summer to talk about a

better solution down there. It may be one that doesn't involve us or it may be one that we are a party to. We want to work that out cause this is a good indication why we should really focus our attention on that source and on that pumping facility and what is the best long-term solution because the way we are operating now is not ideal for us.

Mr. Schweizer asked the Board to pass a Motion for Change Order 3 with Suburban's contract on the task of Scrub Oaks Mine for Suburban to respond to the Highlands Council and request for data information analysis. Mr. Holt scoped that work out at \$10,000.

MOTION: Mr. Platt made a Motion to approve Suburban's contract on the task of Scrub Oaks Mine in the amount of \$10,000 and Mr. Hudzik seconded the Motion.

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

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

RESOLUTION NO. 16-25
RESOLUTION AUTHORIZING CHANGE ORDER NO. 3
TO CONTRACT 23R-15 - MARKEWICZ 3MG WATER
STORAGE TANK REHABILITATION – TANK 2

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) and Scaturro Bros., Inc., T/A Alpine Painting & Sandblasting Contractors entered into an agreement on November 30, 2015, to rehabilitate the two 3MG Water Storage Tanks located at the Markewicz Pump Station; and

WHEREAS, Alpine has experienced unavoidable delays due to weather related issues beginning in late March and continuing throughout April; and

WHEREAS, Alpine has requested that a two-week extension be added to the tank in service date under Change Order No. 3; and

WHEREAS, the MCMUA has reviewed the Request for Change Order No. 3 prepared for Contract 23R-15 by the MCMUA Consultant Engineer; and

WHEREAS, the MCMUA is satisfied that the proposed Change Order is justified, meets the requirements of N.J.S.A. 5:34-4.2 and N.J.A.C. 5:30-11; and

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

1. The Executive Director is authorized and directed to execute Change Order No. 3 with Alpine Painting & Sandblasting Contractors, 17 Florida Avenue, Paterson, New Jersey 07503 to amend the scope of work in accordance with Change Order No. 3.
2. The Executive Director is authorized to execute Change Order No. 3 with Alpine Painting & Sandblasting Contractors in a form approved by the MCMUA Attorney.

3. Notice of this Resolution shall be published in accordance with the requirements of N.J.A.C. 5:30-11.

4. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on May 10, 2016.

MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Laura Szwak, Chairwoman

ATTEST:

By: _____
Marilyn Regner, Secretary

MOTION: Mr. Barry made a Motion to authorize Change Order No. 3 to Contract 23R-15 for Tank 2 and Mr. Dour seconded the Motion.

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

PROJECT STATUS

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

A. The Contractor has continued the project close out procedures which include release of liens, certification of product warranties, submission of final payment and release of retainage.

B. During the recent rainfall on Thursday April 28th, 2016, MCMUA personnel advised of evidence of water intrusion at Flanders Valley Well #2 building interior. This roof was recently completed as part of the Roof Rehabilitation Project. In accordance with the project specifications, written correspondence has been sent to the Contractor (Integrity Roofing) notifying him of the leak and requiring five (5) days to complete the repairs, this correspondence was sent on Thursday April 28th. The Contractor has been responsive and dispatched a crew to perform an investigation and completed the repairs on Saturday April 30th.

On Tuesday May 3rd, 2016 MCMUA Superintendent was notified the repairs which were performed on Saturday April 30th did not eliminate the water infiltration and Flanders Valley #2 roof. Following correspondence of the second leak, the Contractor has notified Kemper System (roof manufacturer), and are currently working on scheduling an inspection.

C. Due to the recent events, at this time SCE is considering the pursuit of an extended warranty to ensure adequate protection against any future failures.

Project Completion Summary

Original Substantial Completion Time		May 29, 2016
Approved Time Extensions	0	Calendar Days
Current Substantial Completion Time		May 29, 2016
Days Elapsed:	155	86%
Days Remaining:	25	14%

Original Contract	\$215,340.00
Approved Change Orders	\$0.00
Total Value of Contract:	\$215,340.00
Total Value of Work Complete:	\$161,500.00
Percent of Work Complete:	75%
Total Retainage to Date	\$3,230.00

Previously invoiced: \$158,270.00

The Contractor has completed the entire project. The Project Completion Summary indicates 75% complete is based solely on the payment applications, and does not accurately reflect the field work. Due to project completion, the Contractor has not submitted partial payment, but final payment including release of retainage is expected.

2. **Roof Repair Project, Contract No. 36A (Four MCMUA Roofs)**

Bid advertisement for the New Roof Structure and Roof at Four (4) Pumping Stations New Roof Installation Project occurred on April 15, 2016 with a bid opening date of Friday May 6th. SCE anticipates reporting on these bid results at the Boards May 10, 2016 meeting.

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

- A. The Contractor has completed the surface preparations, aggregate blasting, the application of prime coat, and intermediate coat on the exterior of Tank #2. The Contractor has begun the application of the final coat on the exterior of Tank #2.
- B. The Contractor has submitted Payment Request #3 for Tank #2 in the amount of \$353,531.08 for the work complete to date. We have reviewed the Contractors payment requests for verification of work complete and find the requests accurate. Therefore, we recommend the Executive Director process the Contractor Payment Requests #3 for Tank #2.
- C. Progress Meeting No. 3 was held on Wednesday April 13th at the Markewicz Pump Station. The Contractors schedule was reviewed and discussed at Progress Meeting No. 3 and the Contractor has requested a time extension due to unavoidable delays due to weather related issues. The Contractor has requested a two (2) week time extension which extends Milestone #1 to Friday May 10, 2016. We have reviewed the Contractors proposed time extension and recommend approval of Change Order #4 for the two (2) week time extension.
- D. An alternative interior tank coating proposed for tank #1 will be discussed with the Water Committee which is scheduled prior to the May Board meeting.

Project Completion Summary

Original Contract Completion Time		April 1, 2017
Approved Time Extensions	0	Calendar Days
Current Contract Completion Time		April 1, 2017
Milestone 1 – Tank #2 (Rear Tank)	90	Calendar Days
Milestone 1 – Extension	14	Calendar Days
Milestone 1 – Completion Date		May 10, 2016
Days Elapsed:	124	28%
Days Remaining:	326	72%

Original Contract	\$2,145,100.00
Recommended Change Orders	
#1 Tank #2 100% Solids Alternate Bid Item	\$32,300.00
#2 Tank #2 Cathodic Protection Steel Plates and Vent Removal	\$7,400.00
#3 Tank #1 Cathodic Protection Steel Plates	\$14,500.00
#4 Tank #1 Time Extension	<u>NO COST</u>
Total Recommended Change Orders	\$54,200.00
Current Total Value of Contract:	\$2,199,300.00
Total Value of Work Complete:	\$1,064,690.00
Percent of Work Complete:	48.4%
Total Retainage to Date	\$21,293.80

4. Markewicz Pump Station Switchgear and Electrical Upgrades

- A. A project kick-off meeting was held on Tuesday May 3rd with ATI, SCE and Water system Superintendent at the Markewicz Pump Station to begin review of record information, concept review, and survey.

5. Scrub Oaks Well Allocation Evaluation

- A. We have received the Highlands Councils comments on our application for Consistency Determination, and they have deemed our application incomplete. The Highlands Council has required additional information in support of their policies and goals to enable their endorsement of the proposed water allocation permit application. The additional information will be presented to the Water Committee in further detail at our upcoming meeting.
- B. We have received the formal water quality report from Uhl Associates and have begun development of treatment process concepts, and preliminary cost estimates. These will also be presented in further detail to the Water Committee.

6. Clyde Potts Booster Station

- A. We have been in contact with SMCMUA and NJAWC to refresh the options which were previously discussed at a meeting on December 18th, 2015. We have preliminarily scheduled a meeting in August to further review the options but would like to develop a firm date pending status of the SMCMUA regional evaluation. SMCMUA has preliminarily indicated a desire for the booster station to be located inside of SMCMUA Water Pollution Control Facility.

GENERAL

1. SYSTEM

- A. SMCMUA has received MCMUA correspondence with regard to the request for a reduction for the 170 days in 2015 in which the operation of the SMCMUA Water Treatment Facility prevented MCMUA from obtaining the minimum take-or-pay agreed amounts. SMCMUA has indicated they will begin review of the information regarding our letter dated March 8th.

SOLID, HAZARDOUS & VEGETATIVE WASTE REPORT:

Mr. Gindoff gave the following updates: (1) On the track construction for the emergency contract that we have for the Scarab windrow turner, we are making great progress. The actual tracks are in for painting this week, we expect them to be delivered and on site for assembly on May 20th. We have the contractor, Binder Machinery, ready to put the tracks on right away.; and (2) On June 4th, we have our first HHW Day of the year at the Police & Fire Academy from 9 a.m. to 2 p.m. and I will provide results of what we did on that day at the June meeting.

Dr. Nusbaum asked about Roxbury's Natures Choice Stump Factory succession and the new owners. Are they improving each time they come to us for a new Solid Waste Management Plan or is it the same? Mr. Gindoff replied that it is the same exact plan inclusion that they have had since the 1990's. Mr. Gindoff added that it is a facility that is only allowed to take stumps and large pieces of wood for grinding. Dr. Nusbaum asked is the volume of material that they are successfully grinding and selling a positive thing for the County. Mr. Gindoff replied it is certainly an outlet for material that we have trouble getting recycled. Certainly the need for the recycling facility is there. From their perspective, Mr. Gindoff asked the attorney if he could give me the status of long-term compliance issues because I wanted to get that on record so the town could assess that also. The State has been on them to get the compliance because there have been problems. The attorney addresses the compliance issues very well.

Mr. Carney has a suggestion on the following two resolutions since they are both extensions. The local public contracts law requires that these resolutions also have to have a finding that the contract is being performed in the manner satisfactory to the Authority so I would just recommend that these resolutions, when you are moving them, are amended to state in the "Now Therefore Be It Resolved" portion that MXI is performing the contract in a satisfactory manner, in accordance with the requirements of local public contracts law.

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

RESOLUTION NO. 16-26
RESOLUTION AWARDED EXTENSION OF CONTRACT
FOR THE OPERATION OF
THE YEAR 2016 MORRIS COUNTY
HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM

WHEREAS, on Tuesday, May 6, 2014, the Morris County Municipal Utilities Authority ("MCMUA") awarded a Contract for the Operation of the Year 2014 Morris County Household Hazardous Waste Disposal Program to MXI Environmental Services, 297 Zimmerman Lane, Langhorne, Pennsylvania 19047, for a term of one (1) year, with an option to extend the terms of the contract, to be exercised at the discretion of the MCMUA, for two (2) additional one-year periods; and

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

WHEREAS, the Executive Director of the MCMUA is authorized and directed to extend the terms of the original contract with MXI Environmental Services, for an amount not to exceed \$101,164.00 for a term of one (1) year; and

WHEREAS, the MCMUA Treasurer has certified that funds are available in line item - Household Hazardous Waste 6-01-1-600-800-726 to pay the entire contract amount.

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

1. The MCMUA has made a determination that MXI has been performing the contract to be extended in a satisfactory manner.

2. The MCMUA awards the second one (1) year extension of the original contract for the operation of the household hazardous waste disposal program, as more specifically defined herein, to MXI Environmental Services, for an amount not to exceed \$101,164.00 for a term of one (1) year.

3. The original contract executed on June 23, 2014, between the MCMUA and MXI Environmental Services, shall remain legal and binding in all respects for the one (1) year extension period.

4. A copy of this Resolution and applicable contracts shall be available for public inspection at the offices of the Morris County Municipal Utilities Authority, 214A Center Grove Road, Randolph, New Jersey.

5. A copy of this Resolution is being forwarded to the MCMUA Treasurer and MXI Environmental Services, 297 Zimmerman Lane, Langhorne, Pennsylvania 19047.

6. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the MCMUA at its Regular Meeting held on Tuesday, May 10, 2016.

MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Laura Szwak, Chairwoman

ATTEST:

Marilyn Regner, Secretary

MOTION: Mr. Barry made a Motion to award extension of contract for the operation of the Year 2016 Morris County Household Hazardous Waste Cleanup Program to MXI Environmental Services, as amended, in an amount not to exceed \$101,164.00 for a term of one year and Mr. Platt seconded the Motion.

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

RESOLUTION NO. 16-27
RESOLUTION AWARDED EXTENSION OF CONTRACT
FOR THE YEAR 2016 OPERATION OF THE
MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY'S
PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY

WHEREAS, on Tuesday, May 6, 2014, the Morris County Municipal Utilities Authority (“MCMUA”) awarded a Contract for the Operation of the Year 2014 Morris County Municipal Utilities Authority’s Permanent Household Hazardous Waste Facility to MXI Environmental

Services, 297 Zimmerman Lane, Langhorne, Pennsylvania, 19047, for a term of one (1) year, with an option to extend the terms of the contract, to be exercised at the discretion of the MCMUA, for two (2) additional one-year periods; and

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

WHEREAS, the Executive Director of the MCMUA is authorized and directed to extend the terms of the original contract with MXI Environmental Services, for an amount not to exceed \$129,960.00 for a term of one (1) year; and

WHEREAS, the MCMUA Treasurer has certified that funds are available in line item - Household Hazardous Waste 6-01-1-600-800-726 to pay the entire contract amount.

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

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3. The original Contract executed on June 23, 2014, between the MCMUA and MXI Environmental Services, shall remain legal and binding in all respects for the one (1) year extension period.
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MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Laura Szwak, Chairwoman

ATTEST:

Marilyn Regner, Secretary

MOTION: Mr. Dour made a Motion to award extension of contract for the Year 2016 Operation of the Morris County Municipal Utilities Authority's Permanent Household Hazardous Waste Facility to MXI Environmental Services, as amended, in an amount not to exceed \$129,960.00 for a term of one year and Mr. Barry seconded the Motion.

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

TRANSFER STATIONS

Tonnage – For the month of April 2016, the quantity of solid waste accepted at the two transfer stations for disposal was 31,754 tons. The April 2016 tonnage is 5.92% less than the 33,752 tons accepted a year ago in April 2015. This monthly decrease in April offsets some of the 9.28% increase reported last month for March 2016. An analysis of the 9.28% monthly increase reported last month revealed that it was not due to an increase construction and demolition activities, as may have been suspected, but rather it was due to increases across the board in all major waste types with relative increases in municipal solid waste generation being larger than those C&D generation. Based on tonnage projected from the first four months of the year, for 2016 the annual total tonnage is currently projected to be 394,455 tons which would be 3.06% more than the 382,920 tons accepted in 2015. Please refer to the Transfer Station Disposal Report by Month for additional information.

Permits: With respect to the status of the air pollution control (APC) permit for the Parsippany-Troy Hills transfer station, on April 26 the MCMUA received notice of approval of the modified air permit. The approval was based on the January 7, 2016 permit modification application submitted by Alaimo Engineering, on behalf of the MCMUA, with supplemental information provided by Alaimo as requested by NJDEP. The NJDEP Air Compliance office was apprised with respect to our overall progress with the submission of an April 28 status report prepared in accordance with the MCMUA's administrative consent order (ACO) entered into with the NJDEP. Alaimo is now preparing plans and specifications for the APC system work in preparation for the issuance of a request for proposals. The ACO stipulates that the MCMUA shall operate and maintain the facility in compliance with the modified air permit within 350 days of the permit approval. With the issuance of the April 26, 2016 notice of permit approval, the MCMUA is obligated to have the APC system operational by April 11, 2017.

Transfer Station Roof Repair – A great deal of progress was made with respect to the roof replacement project for the two transfer stations in April. While beginning the steel work and gutter replacement at the main tipping building at the Parsippany transfer station, it was discovered that the steel structures anticipated to be used to attach the gutters were corroded worse than anticipated and wouldn't provide adequate structural support in which to mount the gutters. Engineers and the contractor, ARCO Construction, have discussed and designed a potential solution to this problem. We are waiting for a proposal from ARCO to see if this correction is achievable within the allowances permitted for a change order. If the scope of the fix is too big for this existing contract, then the roof work at the main Parsippany tipping building may have to be suspended and incorporated into the work being designed and specified in association with the APC system.

SOLID WASTE MANAGEMENT PLAN

Administrative Action Modification – Natures Choice (former Stump Factory) in Roxbury - Change in Ownership to Northeast Products, LLC

In a letter dated April 14, 2016, the MCMUA received a request for modification to the Morris County Solid Waste Management (Plan) with respect to the ownership listed in the Plan for the Natures Choice class B recycling facility (stump and natural wood waste grinding) located just off Route 46 in the Ledgewood portion of Roxbury Township. This site is the former Ox Contractors Stump Factory, which after changing hands a few times has been owned and operated by Natures Choice Corporation for the past several years. The request to change the Plan is specifically and exclusively for changing the ownership of the facility to Northeast Products, LLC while retaining all the conditions of the existing NJDEP general approval. This type of Plan modification can be accomplished in expedited fashion by means of an administrative action request submitted by the MCMUA to the NJDEP. This is in lieu of going through the more formal and time consuming Plan amendment process involving the SWAC and Freeholders. Prior to issuing such an administrative action request, the MCMUA first seeks the input of the host municipality. In a letter dated April 27, 2016, the MCMUA requested that the Township of Roxbury adopt a council resolution within three months setting forth its position with respect to this requested change.

HOUSEHOLD HAZARDOUS WASTE MANAGEMENT

Program Participation and Events – During April 2016, a total of 237 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 March 2016, when only 85 participants used the facility. April 2016's participation represents an increase from last year when only 159 participants used the facility in April 2015. Three one-day HHW events are currently scheduled for 2016. The first will take place on June 4, 2016 at the Public Safety training academy with an additional fall program at the Academy on September 10 and the final disposal day of the year on October 1, 2016 at Chatham High School. MXI will be the HHW contractor for these events and MRM will provide E-waste collection.

Renewal of Contracts for HHW Programs - In May 2014, the MCMUA awarded two different one-year contracts to MXI Environmental Services with respect to the MCMUA's HHW program; one contract was to operate the one-day HHW disposal events and the other contract was to operate the permanent HHW facility located in Mount Olive. Both contracts allowed for two optional one-year extensions to be exercised by the MCMUA at its discretion. In May 2015 the MCMUA authorized the first of two one-year extensions for both contracts, and as the MCMUA has been satisfied with the services provided by MXI under both contracts, the MCMUA is recommending awarding the second of two optional one-year extensions for both HHW contracts to MXI. Two resolutions will be presented to the MCMUA Board for its consideration at the May meeting authorizing the one-year optional extensions for both the permanent facility contract as well as the one-day disposal event day contract with MXI.

VEGETATIVE WASTE MANAGEMENT – March 2016

Facility Report –The Vegetative Waste Management Report for April 2016 is attached. Residential deliveries of truckloads of compost and mulch began on April 11 and cubic yardage and revenue generated by these deliveries is showing up on the report for the first time in 2016. The prices for deliveries were increased by \$10/truckload for 2016. While cubic yardage delivered is up about 15% compared to April 2015, the revenue is up about 20% due to this price increase. Year-to-date revenue for deliveries, product sales and acceptance of materials for recycling, is up about 18% compared to 2015.

RECYCLING REPORT:

Ms. Hourihan mentioned that she invites to the Recycling Awards Luncheon on next Friday at 12 noon at the Frelinghuysen Arboretum have been mailed out and asked if anyone wants to come, please let us know. There will be a municipal coordinator's meeting in the morning prior to the luncheon and you are welcome to attend that also.

Ms. Hourihan mentioned that last fall we executed a shared services agreement with the Township of Parsippany and we put it into effect starting in May. It is a shared services where Parsippany owns two front load garbage trucks and we own one and we do collection of garbage from the County buildings, about 19 different sites, two to three days a week every week. Our garbage truck needed some repair to the cab so we had to take it out-of-service for two to three weeks. Through that shared services agreement Parsippany is doing the garbage collection for us with their truck and their driver for the three weeks while repairs are being done on our truck. The repair work is going well on our truck and the collection routes are getting done.

One other update which is positive is that we just received the April statement from ReCommunity and the pricing has improved, it has gotten less negative, so as we see the gasoline prices going up at the pump, hopefully we will continue to see the recycling prices improve. This price for April was -\$2.81/ton, whereas in February it was -\$15/ton and in March it was -\$9/ton. This is a step in the right direction.

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

RESOLUTION NO. 16-28
RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT FOR
CURBSIDE COLLECTION OF RECYCLABLE MATERIALS (Morris Plains)

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 a new agreement to provide for the curbside collection and marketing recyclable materials with:

the Borough of Morris Plains commencing July 1, 2016 for four (4) and ½ years until December 31, 2020; and

WHEREAS, the agreements shall supersede previous agreements entered into by the MCMUA and the Borough of Morris Plains 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 May 10, 2016.

MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Laura Szwak, Chairwoman

ATTEST:

Marilyn Regner, Secretary

MOTION: Mr. Dour made a Motion to authorize execution of agreement for Curbside Collection of Recyclable Materials for Morris Plains and Dr. Nusbaum seconded the Motion.

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

With regard to the Smart Container Act, Dr. Nusbaum asked have any other County Utility Authorities responded to the State that they had concerns about this, besides us, and what is the general input you are getting from other government agencies that have concerns. Ms. Hourihan replied that it came up very quickly and it moved very fast. There were several counties that went to the hearing but I don't know what other utility authorities wrote letters. ReCommunity attended the hearing and wrote a letter in opposition to it because of how it is detrimental to the economics of the sale of recyclable materials. The Association of N.J. Recyclers was against it and there were a few counties that went to the hearing that were against it. Mr. Schweizer commented that many of the counties who have invested money in recycling programs and facilities are opposed to it. Dr. Nusbaum asked if we heard back from anyone who you sent letters to expressing concerns? Mr. Schweizer replied we heard back from a few legislators who said they voted "no" already. The legislation did not go anywhere because it was tied to the lead abatement issue in Newark and that derailed the effort to fast track this. Ms. Hourihan added that it did get voted out of the Assembly Committee and there is no companion bill at this point in the Senate.

Recycling Operations

Revenue and Tonnage – The February statement was finalized at -\$24,266. The preliminary March statement was received April 14 and finalized on April 27 at -\$16,863. These negative amounts are owed to ReCommunity.

The tonnage collected by the MCMUA for recycling during April was 1,310 tons. The monthly tonnage is shown by material and by customer on the attached report.

New Curbside Collection Contract with Morris Plains – Since the Borough of Morris Plains requested a proposal from the MCMUA to increase collection frequency from every-other week to weekly in October 2015 and the Borough accepted the MCMUA’s proposal with service to begin July 2016, staff prepared a new contract for a 4½ year term, with a change in revenue/costs of the sale of the material going entirely to the Borough starting in January 2017. Staff has prepared a resolution authorizing the execution of an agreement with the Borough for consideration by the MCMUA Board at the May meeting.

ReCommunity Contract for the Marketing of Single-Stream Recyclables – As mentioned in previous reports, part of the new ReCommunity single-stream recycling marketing contract requires a protocol for performing on-going composition audits of the recyclables. The composition of the recycling mixes is one of the determining factors in calculating the cost to market the MCMUA’s recyclables. In continuation of drafting the protocol, staff provided comments to ReCommunity on their initial version, then met with ReCommunity on Wednesday, April 27 to go over the protocol. Staff will revise the protocol according to the discussion at the meeting.

Roxbury Township – On Monday, April 11, staff met with Roxbury Township to discuss the roll-off services that the MCMUA provides to the Township in order to prepare a proposal for a new contract.

Boat Shrink Wrap Program – This year’s boat shrink wrap recycling collection program will run from April 2 to June 13. In April, the MCMUA delivered 7 loads, for a total of 5.25 tons, to Global Recycling, located in Andover. Starting in May, Global Recycling will provide a container and the transportation to their facility at no additional cost to the MCMUA.

Events/Education/Miscellaneous

Clean Communities – So far, 3 schools have completed clean-ups and 3 schools have submitted posters for the Keep Morris County Clean (Slam Dunk the Junk) program for this year. Liz Sweedy nominated Steven Young from Roxbury for a volunteer award from the Clean Communities Council and Steven has been selected to receive the award. On April 21, Liz was interviewed, along with Steven and Green Vision, his employer, by a reporter from the *Roxbury Register*. Please see the *Roxbury Register* article dated April 27 in the Correspondence section. **Educational Programs:** The MCMUA funded 10 educational programs in April at schools Morris Township, Pequannock, Rockaway Township and Wharton and at St. Peter’s Orphanage in Denville and the Morris Museum in Morris Township. **Road Clean-ups:** The MCMUA hired Adopt a Highway Litter Removal Service to do two road clean-ups in April on the 19th and the 27th. A total of 5 miles (10 miles counting both sides) were cleaned on the Randolph/Roxbury border and in Morris Township.

Smart Container Act – As reported at the April 5 Board meeting, Assembly bill 2281, the “Smart Container Act,” which had been introduced on February 4 and referred to the Assembly Environment and Solid Waste Committee, was heard in that committee on Monday, April 4 and was voted out of that committee and referred to the Assembly Appropriations Committee. Here are some excerpts from the bill statement, as amended in the hearing on April 4, that describe the bill, which is also known as a “bottle bill.”

“This bill, would require a 10- cent deposit on beverage containers with a capacity of between eight ounces and less than 24 ounces, and a 20-cent deposit on beverage containers with a capacity of between 24 ounces and less than one gallon. Under the bill, “beverage container” means an individual, separate, sealed glass, metal, aluminum, steel, or plastic bottle, can, or jar containing less than one gallon of a beverage, and does not include refillable containers. “Beverage” means any carbonated or noncarbonated drink in liquid form intended for human consumption, with certain exceptions specified in the bill. Juice, sports drinks, bottled water, soda, wine, and beer are examples of products that would be subject to the deposit. All such beverage containers would be identified by a label and embossed with a smart container bar code, which would indicate that the container was sold in the State.”

“The bill would establish the “Smart Container Fund,” which would be credited with all of the revenues collected by the State Treasurer pursuant to the bill. Money in the fund would be used: (1) to reimburse retailers and redemption centers for the amounts they paid for the redemption of empty beverage containers; (2) to redistribute 25 percent of the

unclaimed deposits retained by the State Treasurer to retailers and redemption centers to defray handling costs; and (3) to redistribute 75 percent of the unclaimed deposits to the Department of Environmental Protection (“DEP”) for deposit into the “Healthy Schools and Community Lead Abatement Fund” established in the bill. Money in that fund would be used by the DEP, in consultation with the Department of Education, the Department of Community Affairs, and the Department of Health, for lead abatement in schools and communities, including: removal and replacement of water fountains, plumbing, and pipes that contain lead; stripping lead paint from schools and residential dwellings; and other lead abatement programs.”

The MCMUA staff wrote and emailed letters of opposition dated Thursday, March 31 to the Assembly Environment and Solid Waste Committee and to the Morris County representatives to the Assembly dated Tuesday, April 5. These letters, the later of which was handed out at the April 5 board meeting, discuss that recycling program across the state, including in Morris County, would suffer negative financial impacts due to the removal of valuable materials from curbside collection programs and would put an end to the REA Tax which funds the Recycling Tonnage Grant program. So far, there has been no further action taken on this bill. It seems that the initial action taken on this bill was an attempt to create a fund for dealing with water infrastructure in schools related to lead contamination.

MCMUA 2016 Awards Luncheon – The luncheon is scheduled for Friday, May 20 to start at noon at the Frelinghuysen Arboretum. The luncheon will follow a morning municipal recycling coordinators meeting. The award plaques were designed and ordered. The slide show is about 75% completed. The written program has been drafted. Invitations were sent. The fashion show is being planned and coordinated. Centerpieces have been ordered.

Recycling Inspections/Outreach – During April, a total of 19 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 April 8, staff met with J. Pyskaty Disposal to discuss the garbage service that company is providing at two multi-family rental building construction sites, one in Parsippany and the other in Morristown. The purpose of the meeting was to inform them of recycling requirements.
- On April 19, staff, along with the new Parsippany recycling coordinator, met with representatives of the Holiday Inn & Suites and Pure Restaurant in Parsippany to discuss recycling and proper handling of fluorescent bulbs.

Curbside Recycling Inspections – On April 5 and 18, staff did curbside recycling inspections of resident’s material in Rockaway Borough and Pequannock. A total of 13 letters were mailed to residents with photos in order to educate residents and provide feedback on how the recyclables need to be prepared.

2016 Municipal Recycling Tonnage Reports – In addition to providing assistance to several municipalities with questions on the tonnage reports, as Certified Recycling Professionals, staff submitted reports to the NJDEP on behalf of the following towns: Mine Hill, Parsippany, Roxbury, Wharton and even for Pompton Lakes in Passaic County. The NJDEP regulations require tonnage reports to be submitted by a Certified Recycling Professional. As of May 3, a total of 17 of 39 reports have been received by the MCMUA. The deadline for submittal is April 30 each year and most towns do not submit by the deadline.

Miscellaneous Presentations/Meetings/Conference Calls/Correspondence

- On Monday, April 4, staff met with the property manager at Oakwood Village in Mt Olive. This complex is having serious and chronic health violations with the Township, due to a new valet garbage and recycling disposal system that they implemented with a new hauler starting the end of March. They removed all dumpsters from around the buildings and replaced them with only 150 - 96 gallon carts for 1,224 units. The valet service provides garbage and recycling removal from each unit’s door, however, the garbage carts were overflowing. Staff visited to provide assistance regarding recycling through this new program, since there seems to be a lot of confusion among the staff, who provides the valet

service, about where to put the material and some of the material is mixed by the residents. Also the recyclables now need to be in bags for the valet service. The bags later need to be opened and emptied.

- On Wednesday, April 6, staff met with new representatives from Denville Township for a recycling coordinator orientation session and to go over the tonnage report.
- Also, on April 6, staff attended a webinar titled “Effective Outreach to Drive Recycling and Reuse Behavior.”
- On Thursday, April 7, staff met with the new recycling coordinator for Parsippany to give him a recycling orientation session.
- On Friday, April 8, staff got an update from the Rockaway Township recycling coordinator about his progress with his school district on their recycling program. The Township was providing collection of some of the recyclables, but will now provide collection of all materials. The Township’s recycling coordinator will work with the schools over the summer to get the proper containers and signage in place. MCMUA staff will assist with posters and with training of the custodial staff in September.
- On Monday, April 11, staff attended an ANJR (Association of New Jersey Recyclers) committee meeting to plan an upcoming workshop titled “Working together to Clean up the Curbside Mix.” The workshop will be offered in June, July and September in three locations around the state.
- On Wednesday and Thursday, April 13 and 14, Cheryl attended the Recycling Collection Techniques portion of the Recycling Certification Series. There is one more class remaining for Cheryl to take in May to complete the series to become a Certified Recycling Professional.
- On Wednesday, April 13, staff toured Carustar, a commercial recycling facility in Newark.
- On Thursday, April 14, staff toured Global Recycling’s facility in Andover along with the Sussex County Recycling Coordinator.
- On Saturday, April 16, staff attended the Madison Library Earth Day Event as an exhibitor.
- On Monday, April 18, staff the Earth Day event at the ShopRite of Morristown as an exhibitor.
- On Friday, April 22, staff attended the Earth Day Awareness Event at Morris View Health Care Center to distribute recycling information to staff and residents.
- Also, on April 22, staff attended Earth Day at the Pequannock High School as an exhibitor for students, faculty and staff. The MCMA also sponsored a Clean Communities education program for the event.
- On Tuesday, April 26, staff attended a training session on using the Everbridge communication system available through the County of Morris Office of Emergency Management. Staff plans to use this system to communicate with residents about our curbside recycling program and other MCMUA programs.
- Also, on Tuesday, April 26, staff attended an ANJR Board meeting. Chris Vidal was re-appointed to the Board for another year.
- On Wednesday, April 27, staff returned to the Pequannock High School, to give a presentation to the Principal and the Green Team.
- On Thursday, April 28, staff attended an EPA webinar on the newly released advertising campaign to reduce food waste.

PUBLIC PORTION:

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

OLD BUSINESS:

With regard to Morris Commons litigation, Mr. Carney reported that there was a status conference with Judge Hansbury and it was done by telephone with all those parties on April 25th and renewed our request to be dismissed from the litigation because we have done everything we can to assist in that litigation. Southeast Morris County M.U.A. and other municipalities had the same request. Judge Hansbury invited us and all the other municipal entities that were brought into the litigation a couple years ago to file a Motion to get out. In speaking with counsel for Southeast Morris County M.U.A., we decided it would be best if we would file a joint Motion so they are going to prepare a joint Motion that I will sign to remove us from the litigation that I am expecting that Judge Hansbury would grant in the form of Summary Judgement. Before that Motion is filed, we renewed our consent order, circulated all the parties for signature and the Motion will likely be

filed in about a month. Wharton's bid for its Water Tank is due tomorrow so we are waiting for that contract to be awarded before the Motion is filed.

Mr. Schweizer asked if there is anything new with Mascaro's request for the Joint Agreement? Mr. Carney replied that we received a letter on May 5th. It is a renewed request from Mascaro to DEP because DEP has not responded to their earlier correspondence of March 31st proposing a Joint Management Agreement between Mascaro and the Morris County M.U.A. Mr. Carney mentioned the regulations on management agreements is usually done when you are granting general operational control to the managing company, including but not limited to the authority to hire, fire employees, purchase equipment or maintain the books and records of the utility, or delegates to the management company the responsibility to make any filings with the Department. We are not necessarily giving carte blanche to Mascaro to do any of those things.

Mr. Carney mentioned that Mascaro seemed to be under a mis-impression confusing the Solid Waste Management Plan with a management agreement. The Solid Waste Management Plan has nothing to do with the management agreement; those are two separate functions. Mascaro is proposing a Joint Management Agreement, but one not beyond the extent that is in our existing agreement with Mascaro. To satisfy the needs of the DEP and just to move on, which I do not think is all that objectionable, if it is stated in that manner that it is a management agreement but only to the extent that we have set forth in the agreement. The regulations really talk about the situation where you bill customers under the name of the managing company, which isn't what you are doing, or you are disposing of solid waste that the disposal facility is under the account of the managing company, that is clearly not the case. I don't think these regulations are really designed to have the requirement of a management agreement, but just to appease DEP's request, a conservative approach could be to say that we will jointly enter into a management agreement just to the extent that we already have an agreement.

Mr. Schweizer commented that he thinks that this is all a result of the DEP regulatory folks wanting to extract fees from people associated in the industry, while we pay a heavy fee, someone decided that they can also send a bill to Mascaro. DEP was going to charge Mascaro fees on both operation, transportation and disposal and Mascaro negotiated a settlement that they are only going to pay on the operations fee. While this agreement is the easy way out, we should determine if there are any downsides in executing a joint agreement. Mr. Schweizer did not see a reason for us to participate in a joint agreement and added that before we sign any agreement, we should have conversation with the Attorney General's Office and say there is no place for this and essentially tell them the agreement that we have with Mascaro should satisfy the DEP's requirements.

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

NEW BUSINESS:

Mr. Schweizer briefed the Board on two open space projects. The first item is a project that we have not been formally requested yet, however, we are aware of. The property is owned by John Crimi to build a condo complex in Wharton and to avoid construction vehicles on the tiny streets in the area. Mr. Crimi wants to be able to use the old Irondale right-of-way which is now essentially a path through the woods to have his construction vehicles go directly from the quarry to the project location. Mr. Crimi has been working diligently with the Green Acres folks and with Wharton on that part of the open space property located in Wharton. Wharton is in favor of that plan but because the properties in question were purchased with Green Acres funds for open space, they are contacting Green Acres to seek their approval to be able to do this and essentially what they plan to do is improve that right-of-way and make it a trail bed after they are done. Mr. Schweizer mentioned that at some point when they go through Wharton they are going to come to the border of Mine Hill where Old Irondale Road goes through property that the MUA purchased for open space. Andrew Holt, Tony Milonas and I went out to the site to see what impacts there would be, especially since that is the location of the proposed Scrub Oaks Mine Well. He mentioned that there are two old paths; the more improved one goes right by our well and we gained the advantage of that by John Crimi allowing us to come through his property with the drilling rig to access the property to perform all the tests we have been doing on the Scrub Oaks Mine Well. However, the original path does circumvent the well location and comes out right near the entrance to John Crimi's quarry. Mr. Crimi would be moving construction trucks to and from his quarry operation that would otherwise take local roads. Mr. Schweizer said that Mr. Crimi cannot use the trail that is close to the well, because if we ever develop that well, the well is located on the edge of that trail.

Mr. Platt commented that he is sure that Mr. Crimi's project is going to be finished long before we develop that well. Mr. Schweizer mentioned that this is a temporary issue, two to three months, that he suspects he is going to have the trucks back and forth.

Mr. Schweizer added that if the well project does go through, there are some benefits of potential negotiation items with Mr. Crimi. That project may help us in a more expedited way to get the infrastructure from our well right to the nearby Wharton pit. Also, Mr. Holt mentioned that there may be an opportunity to put the pump house and treatment facility on property owned by John Crimi.

Mr. Schweizer mentioned that he just wanted to advise the Board about this project in case we get a formal request.

With regard to the second item which is also open space, Mr. Schweizer mentioned that we have been requested by Montville to support an open space acquisition of property that is 3.4 acres, which is essentially in the middle of their sole source aquifer and it is next to property that Montville has purchased through open space. It is not a developable piece of property. They went to the County and when they saw prime aquifer recharge, they suggested they contact the MUA. It is a small project and it looks like a project that we would support because it fits all of our criteria. They have not begun to do the appraisal work or any of the other work necessary to get an idea of what the value is but it will be owned by Montville Township.

Mr. Schweizer suggested that if everyone is in agreement, he would let the township know that we would be willing to support the project, then they would proceed to conduct the appraisal. They would not submit an application to the County because of the small nature of the project. The Board was in agreement.

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

There being no further Business, Chairwoman Szwak asked for a Motion to adjourn the meeting at 8:20 p.m.

MOTION: Mr. Dour made a Motion to adjourn the meeting at 8:20 p.m., seconded by Mr. Hudzik and carried unanimously.

Marilyn Regner
Secretary

/mr