

## MINUTES OF THE REGULAR MEETING

SEPTEMBER 19, 2017

The Regular Meeting of the Morris County Municipal Utilities Authority was held on September 19, 2017 at 7:40 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 thanked the members of the Search Committee, Jim Barry, Frank Druetzler and our leader, Fletcher Platt, who have been working very hard to fill the position of Executive Director and I appreciate the extra time and attention that you guys have spent on this. I want to thank Marilyn. Marilyn has been stalwart throughout the whole thing and very helpful. I also want to thank Brent Carney's firm.

Chairwoman Szwak requested a roll call.

PRESENT: Mr. James Barry, Dr. Arthur Nusbaum,  
Dr. Dorothea Kominos, Mr. Fletcher Platt,  
and Ms. Szwak.

ABSENT: Mr. Christopher Dour, Mr. Frank Druetzler and  
Mr. William Hudzik.

Also present was Larry Gindoff, Acting Executive Director; Michael McAloon, MCMUA Water Consulting Engineer; Larry Kaletcher, Treasurer; Marilyn Regner, Secretary; Brent Carney, Esq., Maraziti Falcon LLP; Kathleen Hourihan, District Recycling Coordinator; and Christine Myers, Freeholder-liaison. Also present from the Public was Chris Jones, Gerhart Scale Company.

Chairwoman Szwak asked for the Board's approval of the Minutes and Closed Session Minutes of the Regular Meeting dated August 8, 2017.

MOTION: Mr. Barry made a Motion to approve the Minutes and Closed Session Minutes of the Regular Meeting of August 8, 2017 and Mr. Platt seconded the Motion.

ROLL CALL: AYES: 4 NAYES: NONE ABSTENTIONS: Dr. Nusbaum

### PUBLIC PORTION:

Chairwoman Szwak opened the meeting to the Public. Mr. Chris Jones from Gerhart Scale Company mentioned that his company has submitted a bid for Contract SW-12 (REBID) for work on the truck scales at the Transfer Stations. He mentioned that after speaking with Larry Gindoff, he was informed that the bid was going to be rejected and I wanted to find out why it was being rejected because some of the things within the bid are just copy, paste, bullets from standard equipment, which everything is a little bit different. Our equipment is proven it works and it is 10% lower than the other bid. Mr. Carney replied that he could address that. One of the issues with the bid that was submitted is that it lacked the Consent of Surety and said it would be provided if it was awarded to your Company and in New Jersey under the Local Publics Contract Law, and there is a Supreme Court case that addresses it right on point, when a Consent of Surety is required by the bid specification and it is not provided, it is considered to be a material defect. It considers the entire bid unresponsive and because it is a material defect, it is not waiveable by the Board by statute and case law. Mr. Carney explained that a Consent of Surety is a document from a surety company who is licensed to do business in the State of New Jersey, that says in the event the

contract is awarded to Gerhart, that that surety will provide a performance bond for 100% of the performance and payment required by the contract. Both statute and case law require that and when it is not provided, it is an automatic bid defect. Mr. Carney mentioned that there was a second bid received by another company and in the resolution for tonight, it is also proposed that that bid be rejected because they also had a fatal defect. The resolution that is proposed to be considered by the Board tonight rejects all bids and authorizes a rebid.

Mr. Jones mentioned that a lot of the bid specs which are specific to one certain brand to which there is only one certain company. I ask that those things be considered and should be removed. It doesn't allow for a fair bid. Mr. Carney mentioned that the Local Public Contracts Law also requires that it be brand name or equal, unless the equipment or repair that we are requesting is proprietary, usually that is demonstrated with a U.S. patent, but in this case, that is not what is required, it is brand name or equal. Mr. Carney added that the other thing with the bid of Gerhart is it also took exception to the bid and said it was subject to Gerhart's standard terms and conditions. That exception is also a material defect because you are accepting all the terms and conditions that are in the bid that goes out to all the bidders which creates a level playing field, so that was the second issue with the bid of Gerhart is it took exception by saying it will be our standard terms and conditions; that can't work. It has to be the contract that is included in the bid document.

Mr. Jones asked that when you say brand name or equal, there are certain features that are only available to one manufacturer, so in this case it is the lack of junction boxes, which is more of a marketing thing for the manufacturer, like Toledo, to eliminate people like us, that have a product like us that will work and that will fit your needs. Mr. Carney replied that the bid is not being rejected because of the brand name or equal issue and that would be something that would be evaluated by the Staff when the bid comes in to determine whatever is being proposed is equivalent to the brand name or not. Mr. Gindoff commented that the resolution this evening will have us assess the bid.

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

### **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 2017. Also included are the Comparative Balance Reports for both the Solid Waste and Water Divisions through the month of August 2017. The Investment Report for the month of August shows the following: the renewal of an Investors Bank certificate of deposit to another one year term. The interest rate increases from .75% to 1.2%. The second transaction shows moving funds out of the Connect One Money Market account earning .4% interest and transferring it to a one-year CD earning 1.3%. The interest rate on the remaining balance will increase from .4% to .65%. All these institutions are depositories listed on the MCMUA's Cash Management Plan and all funds are insured under the Governmental Deposit Protection Act. 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. Barry seconded the Motion.

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

Mr. Kaletcher informed the Board that the M.U.A. received the 2016 Recycling Enhancement Act Tax Entitlement Grant check in the amount of \$329,636.00. Since our budget amount of \$275,000.00 was based on an early estimate, this resolution bridges the budgetary difference. Mr. Kaletcher asked for the Board's approval of the following Resolution to amend the Solid Waste Division 2017 Fiscal Budget:

**RESOLUTION 17-62**  
**RESOLUTION TO AMEND THE SOLID WASTE DIVISION 2017 FISCAL BUDGET**  
**FOR THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY PURSUANT TO**  
**N.J.A.C. 5:31-2.8**

**RECYCLING ENHANCEMENT ACT TAX ENTITLEMENT GRANT**

**WHEREAS**, the Morris County M.U.A. on December 6, 2016 adopted the 2017 Solid Waste Division budget to include the 2016 Recycling Enhancement Act Tax Entitlement Grant in the amount of \$275,000.00, and

**WHEREAS**, the Morris County M.U.A. received a grant award in the amount of \$329,636.00, the Solid Waste Division 2017 budget is hereby amended to increase the budgeted revenue and appropriation by \$54,636.00, and

**WHEREAS**, N.J.A.C. 5:31-2.8 provides that the Director, Division of Local Government Services may approve the amendment of the budget of any Authority or District when there are increases in budgeted revenue with corresponding increases in budgeted appropriations, and

**WHEREAS**, said Director may approve the amendment of the authority's budgeted revenue and appropriations in equal amounts.

**NOW, THEREFORE, BE IT RESOLVED**, that the Morris County M.U.A. hereby request the Director of Local Government Services to approve the amendment to the 2017 budget as follows:

Increase Amended Revenue:

<b>RECYCLING ENHANCEMENT ACT TAX ENTITLEMENT GRANT</b>	<b>\$ 54,636.00</b>
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Increase Amended Appropriations:

<b>RECYCLING ENHANCEMENT ACT TAX ENTITLEMENT GRANT</b>	<b>\$ 54,636.00</b>
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**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the regular meeting held on Tuesday, September 19, 2017.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Laura Szwak, Chairwoman

ATTEST:

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

**MOTION:** Mr. Platt made a Motion to amend the Solid Waste Division 2017 Fiscal Budget for the MCMUA in the amount of \$54,636.00 and Dr. Nusbaum seconded the Motion.

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

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

**BILL RESOLUTION NO. 17-63**

**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. 17-63 containing 7 pages for a total of \$3,389,579.42 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

CAPITAL FUNDS		\$	0.00
WATER OPERATING FUNDS	3884-3923		232,825.76
SOLID WASTE OPERATING	7984-8078		<u>3,156,753.66</u>
		\$	<b>3,389,579.42</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 19, 2017

BOARD CHAIRWOMAN APPROVAL

\_\_\_\_\_  
Laura Szwak, Chairwoman

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 19, 2017

DATE: September 19, 2017

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

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

Ms. Szwak asked if the U.S. Geological Survey is for the monitoring stations and Mr. Kaletcher replied yes. Mr. Gindoff mentioned that there is a large amount for MBT Contracting for the first payment of the Air Pollution Control System project.

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

**CORRESPONDENCE:**

Mr. Gindoff mentioned to the Board that in additional correspondence this evening you will see an Administrative Action to the DEP to clarify the log grinding activity at the Parsippany Transfer Station. They discovered an inconsistency between the Plan and the General Approval, so this clarifies that and should rectify that issue. This does not change any operational activities at the site. Secondly, on Cipcycle, the recycling facility in Rockaway Borough, we just received a resolution from the Borough endorsing the project and they would endorse the inclusion of the facility in the Plan. There are few things the town limited from the request; one was that Cipcycle requested to be a pure Class A recycling facility, which would allow paper, as well as plastic bottles, aluminum cans, glass and other standard recyclables and after looking at that, the Borough decided that they would only approve for their paper recycling operation, as opposed to all Class A materials and the second one is: the applicant originally came in for 350 tons/day facility and ended getting revised to 240 tons/day. The town felt comfortable about 200 tons/day and that is what

they have asked us to limit that facility to. So with limitations like we have done in the past, after we go through the consent process with the town, they endorse the facility being in the Plan under these certain conditions. An Administrative Action letter will be prepared and sent to DEP including the facility in the Plan but with the conditions cited by the Borough of Rockaway, so it does limit the facility's operation to do what the Borough is comfortable with.

Dr. Nusbaum asked if there is any track record with this corporation that we are aware of? Mr. Gindoff replied they weren't a recycling facility per se, they were a relatively small hauler in Rockaway Borough. They are going to be a paper/transfer recycling operation.

Chairwoman Szwak asked if the hiring freeze affecting the M.U.A. and Mr. Gindoff replied yes. We had three people that we had interviewed and they are on freeze now because we had to open it up to Morris View. We got the sense that no one is going to take these positions. They are different from the Morris View positions, but that is the process that we have to follow. We believe that we lost a driver that we offered the job to as we haven't been able to contact him, so we are going to move on and continue to look. It impacts us, but we are getting by.

Chairwoman Szwak asked if we heard anything more from AJACO Towing? Mr. Gindoff replied yes. At the last meeting we gave them 60 days to get back to Chris Warren and Alaimo Engineering in their request for information about their activities that they were going to do on the site. They provided us answers late last week. They are under review by Alaimo. We are going to have to go back to AJACO to get further clarification on their answers. Dr. Nusbaum asked if they paid any money they owed and Mr. Gindoff replied no. Mr. Gindoff commented that we assume that they are getting closer to getting approval from Parsippany for what they are proposing to do. They can start paying rent if we approve what they give us in the answers. Mr. Carney commented that this all stems from your concern many months ago regarding what is the environmental impact of these improvements and that is what this is all designed to find out and if any amendment needs to be made to their Plan before they proceed further with the Zoning Board approval. So Alaimo is evaluating those environmental issues based on their responses and that is what is under review right now.

Chairwoman Szwak asked if the Chief from Parsippany okay with the letter that was sent on behalf of Freeholder Doug Cabana and Mr. Gindoff replied he believes so as he hasn't heard anything since we sent the letter and he was very happy with our EPA response also. They closed out that activity.

Memorandum dated August 25, 2017 to Boards, Commissions and Authorities  
from Staci L. Santucci, Esq., Director of Personnel, regarding Hiring Freeze.

Letter dated August 11, 2017 to Jason Cleffi, AJACO Towing from Larry Gindoff  
regarding Request For Information; and Response Letter dated August 21, 2017  
from Robert C. Garofalo, Esq., Garofalo & O'Neill, P.A.

Email dated August 21, 2017 to Larry Gindoff from Laura Cummings, Executive  
Director/Chief Engineer, Southeast Morris County M.U.A., regarding regional water supply.

Letter dated July 20, 2017 to Freeholder Douglas Cabana from Chief Brandon Schweizer,  
Deputy Chief Matthew Palmieri, and Kenneth Lambert, Vice Chairman, Board of Fire  
Commissioners, Parsippany, regarding fire at MUA Trash Transfer Station; and Response Letter  
dated August 9, 2017 from Freeholder-Director Douglas Cabana.

Letter dated August 8, 2017 to Larry Gindoff from NJDEP regarding Survey –  
Comprehensive County Solid Waste Management System.

Letter dated August 10, 2017 to Justine Modigliani, P.E., Compliance Section Chief, Water Compliance Branch, U.S. EPA from Larry Gindoff regarding MCMUA Response Document, EPA Compliance Evaluation for Par-Troy Transfer Station, Parsippany/Troy Hills Township.

Email dated August 23, 2017 to Karen Burriss from Peggy Gallos regarding mark-out regulations.

Letter dated August 29, 2017 to Larry Gindoff from Anthony Fontana, Chief, Bureau of Solid Waste Permitting, NJDEP, regarding draft Solid Waste Facility Permit for the Parsippany Transfer Station.

Memorandum dated September 1, 2017 to Larry Gindoff from Steve Adams, Hazardous and Vegetative Waste Coordinator, regarding Pricing for Marketing of Recycled Unscreened Compost.

Waste 360 Article dated August 24, 2017 entitled “Republic Boosts Recycling Capabilities with Acquisition of ReCommunity”.

Letter dated September 7, 2017 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 2017.

Letter dated September 7, 2017 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 2017.

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

Mr. McAloon gave the following updates: (1) Alamatong Well #8 - We successfully replaced the well pump. It was installed on Wednesday, August 23<sup>rd</sup>. Before we place it in service, we need to be make sure that the well has been properly disinfected, will get the test results so we can determine that the water is potable then we could put it back in the system because it has been off for a period of time. We are getting through our final items necessary for start-up and we anticipate to begin doing pump performance testing in October.; (2) Markewicz Electrical Upgrades – With regard to the Markewicz Electrical RFP, we had a very successful Pre-Proposal Meeting on site on Thursday, September 7<sup>th</sup>. We had quite a good showing of interested design consultants. On September 14<sup>th</sup>, we will be preparing a response to questions submitted and distributing responses to all the people who have picked up the RFP. The next step which we need to do is to generate the Selection Committee to review the proposals. How we set up the project up with the design consultant is they are scored on a scale for the qualifications, experience and project approach. That is in a separate package from the Fee Proposal. We would need the Selection Committee to evaluate the qualifications package, do the scoring and only the proposals that achieve higher than our minimum, then we would open the Fee Proposal packages. At this time, we would probably recommend that a minimum be the Water Committee, Larry Gindoff and Suburban Consulting to be the ones that would review the submitted qualifications packages. Mr. McAloon asked if there was anyone else that would like to be on that Selection Committee. On September 21<sup>st</sup> we will open those packages and we will make copies and make sure they get distributed to the Water

Committee and then we will begin our review. We have 60 days from the Proposal submission date before we can award as part of the RFP. We did work in time in case we cannot get it for the next meeting.

Mr. Platt asked if we should think about scheduling a date for the Committee to do the review. Mr. McAloon replied that we could circulate the qualifications packages and everyone comes up with their individual score and then at that point, we could set a date to open the Fee Proposal packages. Mr. Platt questioned that there is a provision to interview one or more of the applicants and Mr. McAloon replied yes. Mr. McAloon commented that on October 10<sup>th</sup> we would open the Fee Proposals and then we have time to schedule those interviews before November. Mr. Gindoff clarified the process as we will distribute the qualification packages to everyone, we will vote on the qualification packages individually and then anyone that meets the 70% threshold, which is the minimum, would have their Fee Proposal opened at that point. Mr. Platt commented that we will have turn them in and someone will have to compile the results. Mr. Carney commented for that reason it is not secret; transparency is the name of the game. Mr. McAloon mentioned that the Water Committee can expect to receive these packages after October 3<sup>rd</sup>. Mr. Platt asked if a standard form for review will be sent and Mr. McAloon replied yes. Mr. McAloon suggested that the Water Committee meet before the October 10<sup>th</sup> meeting. Chairwoman Szwak mentioned that would not be possible as we are having a Special Meeting at 5:30 p.m. that day prior to the Board Meeting. Mr. Gindoff commented that there may not be an emergency to get it done by the 10<sup>th</sup>, but we need it done quickly so we could get the interviews done and established as soon as possible. Mr. Gindoff asked do we need a meeting? Mr. Platt asked if we can discuss these in closed session at the October 10<sup>th</sup> meeting and then decide if we want to do interviews? Contract Negotiations? Mr. Carney replied sure, that qualifies, contract negotiations. It's an RFP. It is a negotiable contract, it is not a bid. So Mr. Platt said, a closed session to decide if we want to interview with anyone and open the Fee Proposal on the 10<sup>th</sup> during closed session. Mr. McAloon commented that he will look to see if there is time to adjust or some unforeseen conditions come up, he believes there is room in the RFP to move that back a meeting. Mr. Carney commented that the RFP is not dictated by the timeline set forth in the Local Public Contracts Law as a bid, so you have flexibility with an RFP. You want to abide by the language that you put in RFP. Mr. Platt commented that the target is to take action in November and find a way to do that.; (3) Meeting with Randolph Township – On Thursday, September 9<sup>th</sup>, a meeting was held with the Randolph Planning & Zoning Administrator and we will be discussing the results of that in closed session. Mr. Carney commented only if the Board has any questions about it. Mr. Carney mentioned what he is going to say is open public knowledge. He advised the Board that Randolph Township filed a lawsuit for declaratory judgment before Judge Neergard to declare that it is meeting its affordable housing obligation with what it has planned for 85 units of construction. As a result of the declaratory judgement action that was filed, there were several developers that intervened in the action with their own affordable housing plans for hundreds of units. We are not part of this litigation and hopefully we will not be part of this litigation. It was suggested during one of their mediation sessions that water may be a problem; in providing water to whatever Randolph Township has planned as well as its affordable housing plan, as well as all these intervenor plans for market rate and affordable housing units. We voluntarily met with Randolph Township representatives to discuss the existing contract that we have with them in terms of what we have in terms of water allocation. They provided their list of projects that have received land use approval and we were given the proposed water allocation numbers of the projects in the lawsuit. That is what we met to discuss and our conclusion was technically there is enough water for these projects. That is under review by their Engineer and if they conclude the same, I don't see why we should be brought into a lawsuit by any of the parties. But if we are brought into a lawsuit by any of the parties, then we will be having these discussions in closed session.; (4) Southeast Morris County M.U.A. – We are actively pursuing a meeting with Southeast Morris County M.U.A. and are trying to get the future long-term plans with the N.J. American Water interconnection. We have been circulating some figures and diagrams to the MCMUA on how we could potentially alleviate and remove ourselves from that purchase and water contract sales.

Mr. McAloon mentioned a couple other items on the Engineer's Report. We received the tank warranty, the long-term warranty from Sherwin Williams and we are getting a step closer to closing that out. We are scheduling the generator maintenance. We have been contact with NJDEP with regard to the deficit surplus and they have acknowledged our letter and they will be looking to set up a meeting with us in the near future and they appreciate our willingness to work with them and come up with a long-term solution.

With regard to the meeting with Southeast Morris County M.U.A, Mr. Platt asked has that been rescheduled? Mr. Gindoff replied it has not been rescheduled. Mr. Platt suggests that we ask them for a draft of their scope of work so that we can review it in advance. Mr. Platt mentioned his concern for Suburban giving us recommendation regarding that scope of work because it may be contrary as to what is best for us may not be consistent with what is best for Southeast. As far as providing factual information on our demands, I have no problem with you being involved with that, but where it comes to giving one party or the other recommendations, I have concern that we may see things differently. So we need to proceed a little carefully there and Larry, you going to have to be deeply involved. One other thought is Suburban might be provided some protection if this comes through the Water Committee as well. If we get a draft, review it in the Water Committee, let the response come out from Larry rather than you being in a meeting having to tell Southeast no I don't agree with what you are saying. Mr. McAloon mentioned that they have been transparent with the ethics discussions and preparing the factual recommendations and the figures. I'll certainly make sure that gets reiterated to Andrew the stance on the recommendations. Like we said before, just reiterating, we don't want the opportunity to get the finger pointed at us or anybody that there was ethics at play here. Mr. Platt thanked Mike McAloon.

## **PROJECT STATUS**

### **1. Alamtong Well #8**

Uni-Tech Drilling Company of Franklinville, NJ completed the installation of the replacement Franklin Electric Model 175hp submersible motor with Goulds 9RCHC Pump on Wednesday, August 23<sup>rd</sup>. The pump startup and preliminary testing was performed on Thursday, August 24<sup>th</sup> with pump operating satisfactory and in accordance with specifications. Prior to placing the well in service, final disinfection test results are being obtained, and it is expected that pump performance testing necessary to provide NJDEP with supporting information to address the turbidity blow off events will be conducted in October.

### **3. Markewicz Pump Station Electrical Upgrades RFP**

The Markewicz Upgrades RFP was advertised on Thursday, August 24<sup>th</sup>, 2017. The pre-proposal meeting was conducted on Thursday, September 7<sup>th</sup> at 2PM. SCE will discuss the pre-proposal meeting and remainder to the RFP process at the Board's September 12, 2017 meeting. Submission of proposals is due on Tuesday, October 3<sup>rd</sup> at 10:30AM.

### **4. Randolph Future Water System Demands**

In response to a request by Randolph Township Planning/Zoning Administrator with regard to water availability in Randolph Township, SCE has performed a review of the relevant information and attended a meeting with Randolph representatives and the MCMUA attorney Brent Carney to discuss the current status of these projects on Thursday, September 9<sup>th</sup>. The results of that meeting will be discussed in closed session at the Board's meeting.

### **4. General System**

A. We have prepared additional documents and figures to reflect the existing water sales and purchasing contracts, more specially, the role of SMCMUA and the potential solutions with regard to the Clyde Potts and NJAW Interconnection. This summary of information is being made available to MCMUA for use in further analyses. A meeting with SMCMUA and their selected consulting engineer Mott MacDonald for the update of the SMCMUA Water Supply Master Plan is being coordinated. The schedule and scope of involvement from SCE will be discussed at the Board meeting.

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

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

**RESOLUTION NO. 17-64**  
**RESOLUTION REJECTING ALL BIDS RECEIVED ON REBID**  
**FOR THE TRUCK SCALE U PGRADE AT THE MCMUA**  
**AND AUTHORIZING ADVERTISEMENT FOR SECOND REBID**  
**PARSIPPANY AND MT. OLIVE TRANSFER STATIONS**

**WHEREAS**, the Morris County Municipal Utilities Authority (MCMUA) issued an advertisement for the receipt of public bids for Contract No. SW-12 “Truck Scale Upgrade At The MCMUA Parsippany and Mt. Olive Transfer Stations” and thereafter cancelled the receipt of bids in order to substantially revise the bid specifications; and

**WHEREAS**, upon the completion of the revised bid specifications, the MCMUA issued an advertisement for the receipt of bids for Contract No. SW-12 (Rebid) “Truck Scale Upgrade At The MCMUA Parsippany And Mt. Olive Transfer Stations”; and

**WHEREAS**, as a result of the rebid, the MCMUA received two (2) bids on August 18, 2017 from the companies listed below at the bid price shown for the truck scale upgrades which includes all labor, material and equipment to upgrade one truck scale at the Parsippany-Troy Hills Transfer Station and four truck scales at the Mt. Olive Transfer Station:

	<u>Bid Amount</u>
Gerhart Scale Corporation South Amboy, NJ	\$133,000.00
Atlantic Scale Company, Inc. Nutley, NJ	\$147,350.00

**WHEREAS**, the bid submitted by Gerhart Scale Corporation failed to include a Consent of Surety with its bid which is a material defect that cannot be waived by the Authority in accordance with N.J.S.A. 40A:11-23.2(b), thereby rendering the bid proposal unresponsive; and

**WHEREAS**, the bid submitted by Gerhart Scale Corporation also stated that its bid “is subject to Gerhart’s Standard Terms and Conditions, available on request” which is therefore not a bid based on the terms and conditions of the contract contained in MCMUA’s bid documents and is a material defect that cannot be waived by the Authority in accordance with Township of River Vale v. Longo Construction Co., 127 N.J. Super. 207 (Law Div. 1974) as adopted by the New Jersey Supreme Court in Meadowbrook Carting Co. v. Borough of Island Heights, 138 N.J. 307 (1994); and

**WHEREAS**, the bid submitted by Atlantic Scale Company, Inc. failed to check any of the boxes on the Disclosure of Investment Activities in Iran form as required by the form which states: “Failure to check one of the boxes will render the proposal non-responsive,” said form

being required by N.J.S.A. 40A:11-2.1 and N.J.S.A. 52:32-55 et al.

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

1. The bid submissions of Gerhart Scale Corporation and Atlantic Scale Company are determined to be non-responsive and are hereby rejected for the reasons set forth in the prefatory clauses of this Resolution.
2. The Acting Executive Director is authorized and directed to forward notice of rejection to all bidders and return the bid security of all bidders.
3. The MCMUA staff and consultants are authorized to make any necessary corrections to the bid specifications and readvertise for the receipt of bids for “Contract No. SW-12 (Second Rebid) Truck Scale Upgrade At The MCMUA Parsippany And Mt. Olive Transfer Stations.”
4. 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.
5. 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 19, 2017.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Laura Szwak, Chairwoman

ATTEST:

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

**MOTION:** Mr. Platt made a Motion to reject all bids received on the Re-Bid of the Truck Scale Upgrade for the Par-Troy and Mt. Olive Transfer Stations and authorize advertisement of a second re-bid and Mr. Barry seconded the Motion.

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

Mr. Gindoff mentioned that he had Steve Adams do an assessment and draft a memorandum which was included in correspondence regarding the sale of our unscreened compost to seek authorization to lower the price to market price so we can get rid of the material now. I prepared a resolution going along with our recommendations on how to move this material seasonally as we go from Spring to Fall. We are lowering the price to \$4.00 per cubic yard. The Board gave us authorization to auction this material, but we see that as our last gasp effort. Mr. Carney added that the memorandum explains why the rates are reasonable and necessary and that is reflected in the resolution.

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

**RESOLUTION NO. 17-65**  
**RESOLUTION AUTHORIZING THE**  
**SEASONAL PRICE LIST FOR THE SALE OF UNSCREENED COMPOST**

**WHEREAS**, the Morris County Municipal Utilities Authority (MCMUA) operates two compost facilities that produce bulk quantities of unscreened compost; and

**WHEREAS**, MCMUA desires to sell bulk quantities of unscreened compost for the efficient operation of its compost facilities as well as to keep the compost facilities operating in accordance within NJDEP general approval limits; and

**WHEREAS**, the MCMUA determines its need to sell unscreened compost is best served by providing a pricing schedule that decreases from each year April through the following March thereby encouraging the sale of the material so the sites can be cleared of product so they can meet their seasonal operating requirements; and

**WHEREAS**, in a memorandum dated September 1, 2017, from Steve Adams, Hazardous and Vegetative Coordinator, justification and background is provided to support the recommended pricing schedule set forth in this Resolution as reasonable and necessary.

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

1. The Executive Director of the MCMUA is hereby authorized to post the price and sell unscreened compost by the cubic yard (CY) based on the following pricing schedule: April and May - \$8/CY, June - \$7/CY, July - \$6/CY, August -\$5/CY and September through the following March - \$4/CY.
2. This Resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on September 19, 2017.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Laura Szwak, Chairwoman

ATTEST:

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

MOTION: Mr. Barry made a Motion to authorize the seasonal price list for unscreened compost and Dr. Kominos seconded the Motion.

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

Mr. Gindoff mentioned that the following Resolution is authorizing us to enter into the ESCNJ Co-op, which stands for the Education Services Commission of New Jersey. They are Middlesex County's School based organization that runs the State's largest Co-op for cooperative purchasing of different items. There are a few items on that list that may be useful for the M.U.A. to purchase without having to go out to bid. This is their standard resolution authorizing entering into an agreement so then we could then use purchasing from this co-op. Brent Carney has reviewed it. Mr. Gindoff asked for the Board's approval of the following Resolution:

**RESOLUTION NUMBER: 17-66**

**RESOLUTION FOR MEMBER PARTICIPATION  
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE**

**MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**

**TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 12, 2017 the Morris County Municipal Utilities Authority, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Morris County Municipal Utilities Authority.

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Acting Executive Director of the Morris County Municipal Utilities Authority is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

## CERTIFICATION

I hereby, certify that the above resolution was adopted by the Morris County Municipal Utilities Authority at a meeting of said governing body held on September 19, 2017.

By: \_\_\_\_\_  
Laura Szwak, Chairwoman

ATTEST:

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

**MOTION:** Mr. Platt made a Motion to authorize the Morris County M.U.A. to enter into a Cooperative Pricing Agreement and Mr. Barry seconded the Motion.

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

Mr. Gindoff mentioned some open space issues. On Saturday, he toured seven open space sites that have applied for open space trust funding from Morris County. At this point, none of these applicants are asking the MCMUA for money. We are beginning to see some of the first applications that incorporate the concept of demolishing commercial property to bring them back into a natural state in areas where flooding has occurred. We looked at two very interesting projects like that where there are small properties that have abandoned and bankrupted commercial activities, one a restaurant and one a post office that were in flood plains that got flooded over the last five or six years ago. These projects are the types where applicants are asking the County for money to fund very small projects to acquire property and then the municipalities themselves will pay the cost for demolishing the properties and bringing them back into a natural state to allow the floodwaters to return to their natural boundaries. These are good interesting projects that are a little different than the standard open space projects. There is a very exciting one in Morristown, next to Footes Pond, a little park off of James Street. It is an 11 acre piece that is ripe for development and it is their largest tract of open space worthy of saving and preserving.

Dr. Nusbaum asked if there was any more State dollars for funding flood zone properties. Mr. Gindoff assumed there is but the interesting thing about the two flood zone projects they were looking at is that they are commercial and the flood money goes to residential. They are unique and creative on how they are trying to achieve that.

Mr. Gindoff mentioned that this is the last year he will be permitted to serve on the Open Space Committee so we are going to need a volunteer from the Board for next year.

Mr. Gindoff reminded the Board that the 2<sup>nd</sup> Household Hazardous Waste Day is taking place at the Police & Fire Academy this Saturday from 9 a.m to 2 p.m. On Sunday, we will also have a booth at the Fall Festival showing our wares and educating the public.

Chairwoman Szwak mentioned a few things in Larry's report. One being the 50,000<sup>th</sup> appointment at the Household Hazardous Waste Facility and asked if any press was done on that. Mr. Gindoff said that he tweeted it. He will discuss it with Larry Ragonese. Also wanted to give credit to Larry for following the Board's recommendation for training of staff. Mr. Gindoff advised the Board that the entire County went through mandatory Work Place Conduct Training and it was an excellent session. The training was for all staff and supervisors. Also all computer users are doing Cyber Awareness Training through the County which is incredibly important.

### TRANSFER STATIONS

**Tonnage** - For the month of August 2017, the tonnage of solid waste accepted at the two transfer stations was 37,127 tons. This monthly tonnage for August 2017 was 3.60% greater than the 35,836 tons accepted a year ago in August 2016. Based on monthly tonnage disposed of for the first eight months of the year, for 2017 the annual total tonnage disposal is trending ahead of 2016 and is projected to be 402,780 tons. If this projection holds true, 2017 tonnage would be

5.23% more than the 385,849 tons accepted in 2016. Please refer to the Transfer Station Disposal Report by Month for additional information.

**Air Pollution Control System and Permitting – Parsippany Transfer Station** - As of the writing of this report, the status of the air pollution control (APC) system project is as follows:

Project Construction:

- A Pre-construction meeting was held at the MCMUA offices on May 1, 2017.
- A Notice to Proceed effective May 5, 2017 was issued at the Pre-construction meeting. Since the contract period is 180 calendar days, the project completion date is November 1, 2017.
- The Contractor has not fully completed the shop drawing review process. Key construction elements have not yet been submitted.
- Contractor has obtained necessary construction permits;
- Initial construction activities have involved the structural repair process for the building and the installation of ductwork for the APC system. Construction progress for these components is detailed below:

Structural Repairs:

- Metal siding removed on back of transfer building Tarp continues to be used to maintain enclosure.
- Structural framing at door openings has been clarified to Contractor;
- Concrete pedestals repairs for tip floor doors are formed and ready for concrete pour;
- Z-girts are being installed around building perimeter; less than 10% complete;
- Masonry repairs have been completed adjacent to loading bays;

APC System:

- Spiral ductwork and structural joists for the ductwork have been delivered to the site;
- Supporting joists for ducts have been installed within transfer building;
- Ductwork has been installed in the two bays made available to subcontractor;
- Dust collector is onsite but has not been installed; awaiting concrete pad installation;
- Odor control system has been delivered to subcontractor's yard in site vicinity due to onsite staging limitations
- Blower is scheduled for delivery in early September.

Additionally, since the APC contract is in excess of \$2 million, it is required that the contract be submitted to the Office of State Comptroller for a post award review. On September 6, the MCMUA received comments back from the OSC in regards to our post award submission and it contained a series a recommended updates for compliance and conformity with state requirements.

These recommended changes were shared with the MCMUA's consulting engineers and legal counsel.

Solid Waste Facility Permit: In a letter dated August 29, 2017, NJDEP announced it is commencing a 30-day comment period with respect to the issuance of the draft permit for the Parsippany transfer station. Staff and Alaimo Engineering have reviewed the draft permit and forwarded the MCMUA's comments in a September 6, 2017 email to the NJDEP. The MCMUA's comments were generally minor with exception of issues related to the newly installed APC system and the need to perform a subsequent noise study following the installation and operation of the APC system. This permit renewal has been delayed for years as the issue related to the installation of the APC system needed to be addressed. The APC system has now been incorporated as part of the solid waste facility permit.

Stormwater Discharge Permit: It was reported at the August meeting that the MCMUA had received a compliance evaluation inspection (CEI) from the EPA for the stormwater discharge permit at the Parsippany transfer station. Prior to the issuance of the CEI, staff had been cooperating with the EPA inspector to provide all the information they were seeking. Following the provision of this information, the EPA issued its investigation report requesting responses in writing to issues of concern it raised. In a response letter prepared by staff and Alaimo Engineering dated August 10, the EPA was provided answers to the issues highlighted. A copy

of this August 10 letter is provided in the Correspondence Report. In an email dated August 16, 2017, the EPA investigator informed the MCMUA that the August 10 response letter was adequate and the EPA considers the matter closed.

**Scale Upgrade Bid** – The MCMUA received two bids on August 18 in response to the rebid for the truck scales at the two transfer stations. Due to material defects in each of the two bids, the bids were determined to be non-responsive and the MCMUA will be required to reject the bids. In short, the bid submitted by the second low bidder, Gerhart failed to include a Consent of Surety. In addition, it stated that its bid is subject to Gerhart’s standard terms and conditions, both these issues are material defects rendering its bid submission unresponsive. The low bidder, Atlantic Scale Company failed to check either of the boxes on the Disclosure of Investment Activities in Iran form which in accordance with that form, renders the bid submission unresponsive. A resolution will be provided for the Board’s consideration at the September 12 meeting that determines the two bids to be non-responsive due to the issues cited above and authorizing staff to make any necessary corrections to the bids so they can be advertised for receipt of a new rebid.

### **Ajaco Towing – Lease of Additional Lots at Parsippany Transfer Station**

Following the directives of the MCMUA at the August meeting, a letter was mailed to AJACO Towing dated August 11, which provides AJACO 60 days to provide responses to our request for information about the proposed use of the property. We state failure to provide thorough and fully responsive information to the request for information will likely result in the MCMUA terminating the lease. In a letter dated August 21 from AJACO’s attorney, it is stated that AJACO will provide the information request shortly. In addition, AJACO reiterated it has a pending application before Parsippany’s Zoning Board of Adjustment, which it submitted to the MCMUA for approval for submission. Both of these letters have been included in Correspondence Report.

## **SOLID WASTE MANAGEMENT PLAN**

### **Administrative Action Modification for Cip-Shred Processing LLC (CipCycle) Inclusion of Class “A” Recycling Facility in the Borough of Rockaway**

The Borough of Rockaway’s three-month response period to provide a Council resolution to the MCMUA ends on September 21, 2017 with respect to Rockaway Borough’s position on the proposed inclusion of the CipCycle Class “A” recycling facility. In August, Staff had a meeting with members of the Rockaway Borough Council to go over the matter in an effort to help Council members understand the Plan inclusion process in preparation of adopting their resolution. It is anticipated that they will be forwarding their resolution prior to the end of the comment period, which if endorsing, will likely include a series of limitations to bring the proposal in consistency with the limitations approved by the Borough’s Land Use Board with respect to this facility.

## **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

**Program Participation** – During August 2017, a total of 298 residents and businesses delivered waste to the permanent household hazardous waste (HHW) facility in Mount Olive. This is up from August 2016 levels when 208 participants used the facility and is significantly up from July 2017’s participation when only 79 participants used the facility. It should be noted that the permanent HHW facility was on a very limited schedule for July as the change over in HHW contracts was being implemented. In response, the MCMUA opened the facility more frequently in August to meet the pent up demand.

Staff has been performing maintenance on some of the components of the HHW facility as that facility is approaching its 20-year anniversary. In August, the MCMUA made its 50,000<sup>th</sup> appointment to use the HHW facility. We are in the process of trying to paint the oil tank, replace the larger of the two prefabricated storage units, fixing issues with the work-trailer and performing grounds keeping activities.

**One-Day HHW Events** – The MCMUA has two fall HHW events scheduled. One will take place at the Public Safety and Training Academy on September 23 and the final program of the year will take place at Pequannock Valley Park on October 28. The MCMUA had to obtain a new EPA identification number for the new Pequannock site from which to manifest the HHW. Both of these events will feature E-waste recycling as well as hazardous waste disposal.

**E-Waste Recycling** – Staff and MRM have worked out most of the regional collection site protocols needed to begin the roll-out of the new E-waste program for the county scheduled for 2018. At the upcoming municipal recycling coordinators meeting in September, MRM will be attending and discussing the program so we can figure out with the towns how to best manage E-waste recycling for the public in accordance with the newly revised Electronics Waste Management Act (EWMA). Additionally, with the revision of the EWMA, more E-waste vendors, other than MRM, seem to once again have the support of manufacturers to provide E-waste services. This may be an additional recycling opportunity for those municipalities that are not selected to be or cannot meet the requirements of being a regional collection site as part of the MCMUA/MRM program. It should be noted that the MRM contract with the MCMUA is for at least 3 years and the manufacturer's support of outside vendors currently providing E-waste recycling may be fleeting and unreliable. This is how the E-waste market acted when the EWMA was first passed in 2011 and it remains to be seen if the revision to the EWMA will correct the issue of "fleeting support" of programs by manufacturers and their contracted vendors.

## **VEGETATIVE WASTE MANAGEMENT**

**Facility Report** – Compost and mulch residential deliveries are scheduled to continue through September 29, 2017 and residential deliveries began to pick up again as the summer ends and people are performing end-of-the-season maintenance on their yards. The Vegetative Waste Management Report for August 2017 will be presented to the Board at the September 12 meeting providing details on the acceptance and sales of vegetative materials for August 2017.

The emerald ash beetle (EAB) is an insidious pest that is still on the radar of Morris County and MCMUA which is likely to cause issues in the near future. Over the past year the MCMUA had been accumulating ash logs delivered to the Camp Pulaski site and segregating them in case any special measures had to be taken. The MCMUA and the county have not identified any specific EABs and we have guidance from Morris County's Risk Management Department, which is spearheading this effort on behalf of the county, that it is acceptable to process the accumulated logs. Once a tree is down, the food source in the tree for a beetle is essentially cut-off and the beetles die, if they happened to exist in the first place.

Although the MCMUA authorized the use of a public auction site for the sale of unscreened compost the MCMUA feels it needs to lower the posted price of unscreened compost in order to meet current market demand and to successfully clear the site in time for leaf season. In the past, the MCMUA lowered the price of unscreened compost at this time of year to \$4/cubic yard and that seemed to encourage the movement of the material in bulk. Steve Adams prepared a memorandum, which has been included in the Correspondence Report, explaining the current market condition, site needs, historic background, etc. justifying the proposed seasonal pricing schedule with the end-of-season \$4/cubic yard price. A resolution authorizing the season price schedule for sale of unscreened compost will be provided for the Board's consideration at the September 12 meeting. Staff feels the unscreened compost will move at the \$4/cubic yard price point, but if any remaining material is still left over, staff will conduct auctions at the end of the season.

## **OPEN SPACE PRESERVATION**

After receiving word from County Counsel in July that the use of the MCMUA's portion of the open space trust fund is appropriate for studies that focus on identifying property acquisition targets that serve to preserve and protect water resources, Staff began preparing the procurement document. Following consultation with County Planning Department Staff about the procurement and specifications, the MCMUA determined it would be in its best interest to have this report prepared and signed by a person and a firm with a Professional Planner's license.

With this taken into consideration and in accordance with Local Public Contracts Law, this procurement is permitted to be prepared as a Request for Proposals as a professional service which may simplify the process a bit compared to standard bid specification.

The Open Space Trust Fund Committee will be meeting on September 12, to go over the candidate sites seeking county open space trust funds during the 2017 funding season. Since the open space meeting is concurrent with the MCMUA's September meeting, Staff will not be attending the Open Space meeting. Site visits of the candidate sites will occur on the following Saturday, September 16 with deliberations by the Open Space Committee occurring in late October. The number and extent of applications for this season will be revealed to the Committee on September 12 and this will be reported to the MCMUA at the October Board meeting to the extent possible. At this point, the MCMUA has not been officially solicited to partner in any of the potential projects for this year. It should be noted that the MCMUA was approached about participating as a funding partner in Phase 2 of the Valley View Farm open space project located in Morris Township on Picatinny Road by the Township of Morris but the application currently before the County doesn't list the MCMUA as a funding partner. At the July MCMUA Board meeting, the Board approved a motion to keep dialog active with respect to this project and the Morris County Planning Board was informed of this MCMUA decision.

Larry Gindoff has served as the MCMUA's representative on the Open Space Trust Fund Committee for the past four year. In accordance with committee by-laws, four years is the limit on serving on the committee in one stretch and as such, the MCMUA will need to select a new representative for 2018.

### **Administrative Matters**

Budgets – MCMUA Staff has started internal budget discussions in an effort to prepare the budgets for 2018. Staff will coordinate discussions about the proposed budgets with the MCMUA's Finance Committee prior to introduction of the budget to the full Board later in the fall.

Purchasing Co-Op - The Educational Services Commission of New Jersey (ESCNJ) has established a purchasing co-op to coordinate cost efficient purchasing opportunities for educational institutions and government agencies to limit the tax burden on New Jersey residents. After reviewing the purchasing opportunities available through ESCNJ, it is recommended that the MCMUA become a member so it could consider ESCNJ as an additional purchasing alternative when determined to benefit the MCMUA. About 85 Morris County local governments and hundreds on New are currently members of ESCNJ and membership is available to authorities such as the MCMUA. Membership in the ESCNJ co-op is at no cost to the member but requires the adoption of a resolution by the MCMUA Board as well as execution of a member agreement which is the standard membership agreement provided by the state for all New Jersey public co-ops. The resolution authorizing the execution of the membership agreement to join the ESCNJ will be presented to the Board for its consideration at the September 12 meeting.

Credit Card Payments - The MCMUA has never accepted credit cards as a form of payment in the past and this is one of the most frequent complaints the MCMUA receives from its customers. MCMUA Staff has started investigating the potential acceptance of credit cards, the procurement of such services, the software interface with such and potential cost and budget impacts. This is something Staff feels would be worthwhile to pursue as a convenience to our customers requesting such a payment option.

Training - Several programs, classes, seminars are scheduled to be taken by MCMUA Staff to improve the MCMUA's capabilities and professionalism. Larry Gindoff will be attending the AEA's Professional Development Academy beginning in September. Fred Wilson and Larry Gindoff are working with the county Personnel Department to identify training opportunities to enhance the MCMUA's human resource training. Shana O'Mara will begin qualified purchasing agent training in September so the MCMUA may eventually have its own qualified purchasing agent on staff. Anita Singewald will be attending training in September with respect to the Paradigm Software's CompuWeigh data management system the MCMUA uses to run its solid waste systems for the transfer station, curbside recycling and vegetative waste operations. Staff

will also be attending on-going composting and hazardous waste management classes to maintain certifications and meeting facility requirements. In addition, new employees will be scheduled to attend some of these courses in the MCMUA's on-going effort to cross train employees when it makes sense.

Personnel - There are several new and lingering personnel decisions that need to be addressed. Additionally, with the privatization of the Morris View Healthcare Center, Morris County will be laying off employees from that facility and is required to implement a countywide hiring freeze so positions may first be filled employees impacted by the layoffs.

### **RECYCLING REPORT:**

Ms. Hourihan mentioned that ReCommunity, the company we sell all our recyclables to, was bought by Republic Services, which is a garbage and recycling company. ReCommunity use to be able to claim that they were a pure play recycling company so they can no longer say that, still it was beneficial to them to be bought by Republic Services. We did consult with Brent on whether anything had to be done with our contract to memorialize that sale, and the response from ReCommunity's attorney was that we don't need to do anything because this was a stock deal so there is going to be no re-organization in ReCommunity itself. Mr. Carney mentioned there should be a letter and asked if it was in the correspondence package. Ms. Hourihan replied no it was not. Ms. Hourihan read the following paragraph from the letter:

“As the transaction is a stock deal and there is no intent to change the structure of the operating subsidiaries of ReCommunity Holdings II, Inc. (including FCR Morris LLC), the sale will not cause any changes to the Agreement, the services provided to MCMUA or the performance bond that supports the Agreement. More specifically, there will be no assignment or transfer that would otherwise trigger rights or obligations in Section 11.5 of the Agreement.”

They are saying basically that our contract is staying untouched and our services will continue. Mr. Carney said it's a merger. Dr. Nusbaum commented that it sounds as paper as it is all objective and it won't change, but you don't know with the stock market. Mr. Carney mentioned that the pricing is still in the contract and it can tend to follow the price of oil.

Ms. Hourihan mentioned another update where she listed six different proposals in her report that needs to be getting out to our customers which include contracts that we are already in which are ending at the end of 2017 or new proposals to new prospects. She mentioned that she has one more to add to that, which is the Borough of Butler. The Borough of Butler went out to bid. They opened their bids on September 12<sup>th</sup> and they are talking to us about us doing curbside collection for them. The bid they went out for had different options to award one option for garbage collection, one option for recycling collection, one option for vegetative waste collection so they could just carve out and not award the recycling option. So we are looking to submit a proposal to do their recycling collection. We are working on the cost analysis now to see if we can do it for a reasonable price.

Another update was that in September she was able to put a bid spec together to buy more roll-off containers. We are getting very desperate for roll-off containers. We did two bid attempts earlier this year to buy roll-off containers and were unsuccessful. We tried the negotiation process and were unsuccessful. So she was able to get a new bid package together which went out on September 15<sup>th</sup> and is going to be opened on October 3<sup>rd</sup>. This bid is for a minimum of four open-top roll-off containers and gives us the ability to buy more than that throughout the end of the year. Mr. Carney mentioned that the Board adopted a resolution in July that authorizes all that.

Ms. Hourihan mentioned that on Tuesday we have our bid opening for buying two compactor trucks. These trucks will replace old ones in our fleet.

Ms. Hourihan mentioned that we are putting together a newsletter. We are going to do a trial run of 20,000 copies printed and distribute them to municipalities. Not every town does single stream recycling and every town does things differently. We have our guidelines for single stream recycling as an insert in the center of it so we will not include the insert for towns that have something else and don't need the single stream flyer and they can put in their own customized insert.

The rest of the shell of the newsletter basically includes hazardous waste disposal, Clean Community litter program, battery disposal, water etc. The draft newsletter was passed around to the Board.

Dr. Nusbaum asked if there was any feedback from the recycling coordinators that they are excited about this? Ms. Hourihan replied that we are presenting it to the municipal recycling coordinators at our meeting on Thursday. Dr. Nusbaum would like this available to the Boards of Education of Morris County so the kids could bring them home and the teachers could talk about this. That is a great idea.

### **Recycling Operations**

**Revenue and Tonnage** – The July contract statement from ReCommunity was finalized on August 29 in the amount of \$22,079.93 owed to the MCMUA. The preliminary August contract statement was received on September 5 in the amount of \$16,098.16.

In follow-up to the discussion on the price decline of rigid plastic from the July report, here is a summary of the monthly \$/ton pricing for rigid plastic so far in 2017:

January	\$25.00
February	-\$15.00
March	\$10.00
April	-\$5.00
May	-\$5.00
June	-\$45.00
July	-\$65.00
August	-\$72.50 (preliminary)

Tonnage collected by the MCMUA for recycling during August was 1,309.0 tons. The monthly tonnage is shown by material and by customer on the attached report.

**ReCommunity Purchased by Republic Services Inc.** – On August 24, staff read an on-line article published in *Waste 360* regarding the purchase of ReCommunity by Republic Services, Inc. Please refer to the article included in the correspondence section. On the same day, staff received a phone call from Steve Gray, a ReCommunity Regional Manager, to inform us of the acquisition. Steve Gray assured MCMUA staff that our contract will be fully honored and there should be no changes. The purchase is expected to be completed in October. Steve didn't know if the ReCommunity name will change. Steve said that Republic is the second largest waste management company in the country. Staff looked at our contract and informed our attorney, Brent Carney, of the buy-out. The last time this happened when FCR LLC was sold from Casella Waste to become ReCommunity, we had to execute a new guaranty agreement. In this contract, we have a performance bond instead of guaranty agreement. Brent is reviewing the contract and has reached out to ReCommunity's attorney to determine what needs to be done.

**ReCommunity Single-Stream Composition Audit** – The June composition audit report is almost finalized. On September 6, staff provided minor comments back on the August 11 revisions provided by ReCommunity. The new audit results have not yet gone into effect on the monthly statement as of the preliminary August statement.

**Bid to Purchase Two Rear-Loading Compactor Trucks** – During August, staff prepared a bid specification to purchase two rear-loading compactor trucks. The bid document was publicized and made available on August 30. Bid submittals are due September 26. Staff seeks to award a contract for this bid at the October board meeting. The funds for these trucks were included in the 2017 budget. The new trucks are needed to replace two trucks in our fleet, according to our vehicle replacement schedule, which are over 20 years old.

**Purchase of Stationary Compactor System** – As mentioned in the July report, the stationary compactor that the MCMUA ordered for use by Chatham Township, was ready to be delivered on July 27, but the delivery had to be postponed, since the electric hook up at the Township recycling center was not ready. The electric work took several visits by JCP&L. The compactor delivery and installation was done on August 30. An electrician had to be called out to the site

by the Township the day of the installation because there was no emergency disconnect switch installed. By the end of the day, on August 30, the unit was completely installed and was running. Rudco gave a demonstration on how to use it to the Chatham Township DPW employees. The day of the installation, Chatham Township decided that they would like to enclose the opening of the hopper for safety, since the site is not fenced in. MCMUA staff agrees. The installer will provide a quote to the MCMUA for a top plate and a door with an interconnect safety switch to be installed.

**Auction/Disposition of Equipment for the Curbside Department** – Staff has prepared a resolution for the sale/disposition of three (3) 30 cubic yard open-top containers. Staff plans to remove and scrap the sides off one of the containers, so that the floor can be used as a deck to move equipment. The back door will also be kept for parts. The other two containers will likely be auctioned.

**Purchase of New Roll-off Containers and Inventory of Current Containers** – Staff still needs to purchase new roll-off containers and hasn't been able to make any progress on this during July and August. During August, however, staff did review the roll-off container inventory performed in August 2016 and updated it regarding new containers purchased in January and the movement of a few containers regarding placement. Staff reviewed this with the curbside operations supervisor, with focus on the roll-off containers that were determined in 2016 to be in poor condition. The containers in poor condition need to be assessed to determine if they will remain in service and/or if repairs are needed in order to determine how many new containers will be needed this year and/or next year to replace them if they need to be removed from service and are beyond repair.

**Rockaway Borough Vegetative Waste Collection** – The contract for these services has been executed and returned to the Borough. Work will begin in April 2018.

**MCMUA Contracts with the County of Morris for Garbage and Recycling Services for Morris View** – In July, staff was informed that Morris View Healthcare Center is being privatized and therefore we needed to review our contracts for garbage and recycling services. On July 21, staff met with Jennifer Carpinteri, the Director of Human Services for the County of Morris and with the Assistant Administrator for Allaire, the new company that will run the Healthcare Center. Staff reviewed the services provided by the MCMUA for the Healthcare Center and discussed some amendments that can be made. On August 15, staff sent a follow-up letter with the revised pricing. Staff is waiting to hear confirmation that the amendments are acceptable and for confirmation that the County will continue with these shared service agreements between the MCMUA and the County. At our meeting it was discussed that the County would continue with the agreement and would pass the costs on to Allaire.

**Proposals to Continue Current Services and to Provide New Services** – In the coming weeks and months, staff needs to prepare proposals for the following work:

- Curbside recycling services for the Borough of Florham Park – MCMUA is currently in a one-year contract with the Borough, which ends on December 31, 2017. The Borough would like a one-year and three-year proposal by September 20, if possible or if not, then by October 2.
- Roll-off transport and marketing services for the Borough of Mount Arlington – The MCMUA is currently in a three-year contract with the Borough of Mt Arlington. The contract ends on December 31, 2017.
- Garbage collection services for the County of Morris – MCMUA is currently in a five-year contract with the County with an end date of December 31, 2017. Under this contract, the MCMUA provides dumpsters and garbage collection to 19 county buildings. The MCMUA purchased a used front-load garbage truck in 2012 to provide this service.
- Roll-off transport and marketing services for the Township of Washington – The MCMUA has been providing these services to the Township since 1996. There is no current contract in place. Staff is meeting with the Township's recycling coordinator on Thursday, September 7 to discuss a new contract and pricing.
- Garbage collection services for Mennen Arena of the Park Commission – This would be new work that could make use of a compactor that is likely to become available, since the recycling from Morris View has declined due to the meals for the Meals-on-Wheels program no longer being prepared there. This idea was mentioned to the Park Commission in May

and more recently in August. Staff awaits a response from the Park Commission to see if they are still interested.

- Curbside recycling services for the Borough of Mendham – The MCMUA does not currently have a contract with the Borough. The Borough is out to bid and bids are due on October 4<sup>th</sup>.

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

**Clean Communities – Educational Programs:** The MCMUA funded five education programs in August at libraries in Chester, Jefferson, Roxbury, the Morris County Library (100 people in attendance) and Jockey Hollow for the Morris Area Girl Scouts. **Road Clean-up:** The MCMUA hired Adopt a Highway Litter Removal Services of America to do two road clean-ups in August on the 9<sup>th</sup> and 24<sup>th</sup>. The clean-up on the 9<sup>th</sup> was in Rockaway Township. The clean-up on the 24<sup>th</sup> was done in Roxbury and Mt Arlington. Each clean-up was 2.5 miles or 5 miles counting both sides of the road.

**2016 Municipal Tonnage Grant Reports** – As of August 9, all 39 municipal recycling tonnage reports have been received by the MCMUA.

**Recycling Inspections/Outreach** – During August, a total of 24 transfer station loads suspected of improperly containing mandated recyclable materials were photographed and written-up by MCMUA tipping floor inspectors and recycling staff.

- On August 8, staff met with project managers for Ryan Homes a contractor for a new housing development called Shadow Woods Townhomes in Mt Arlington. There had been two loads of garbage with corrugated found at the transfer station. The project managers never heard of recycling at construction sites in New Jersey, but said they would contact the hauler for a recycling container.
- On August 22, staff met with store managers for TJ Maxx, Home Goods and Ulta Beauty and with the construction contractor, all at the new shopping center newly built on East Hanover Avenue in Hanover. There were loads of garbage at the transfer station containing corrugated cardboard from two of the stores from their set-up.

**MCMUA Newsletter** – Staff continues work on the recycling and disposal newsletter which currently has 12 pages and will be printed in color. Chris Vidal has been gathering and creating the content and designing the layout. She is doing a great job. Staff is starting to get quotes on printing and is deciding how many copies to get printed and how many to distribute to each town. The plan is to include an insert with a specific recycling flyer, so that towns that prepare material other than single-stream, can insert their information. Most towns follow the MCMUA's single-stream guidelines, however some, including Morristown and Roxbury remain dual-stream.

**Event Containers** – The MCMUA's event containers for recycling and garbage were not borrowed by any organizations during August.

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

- On Wednesday, August 2, staff set-up an educational booth from 11am to 2pm and spoke to employees at the Morristown Medical Center cafeteria for their "Recycling Education Day". The hospital estimated that 600 people stopped by for information. While there, MUA staff noticed there have been improvements made with the hospitals recycling receptacles and more are on order.
- On Thursday, August 10, staff submitted a state recycling award nomination for Al Knoth, recycling coordinator of Rockaway Township.
- On Tuesday, August 15, staff attended an ANJR Board meeting and subsequent Symposium Committee meeting at the Gloucester County Government Services Building in Clayton.
- On Saturday, August 19, staff participated as an exhibitor at Wharton's Canal Day.
- On Thursday, August 24, staff attended an EPA webinar titled "The ABC's of K-12 Food Waste Reduction: Start with the Guide to Conduct Student Food Waste Audits."
- On Tuesday, August 29, staff did a recycling inspection of Public Safety Academy, the Human Services Building and the Sheriff's Legal Services and the Hanover Garage.
- On Wednesday, August 30, staff gave a power point presentation at Cedar Crest Village to about 50 people on the housekeeping staff. This meeting was a follow-up to the June 27 and July 26 meetings. Cedar Crest Village is large residential complex in Pequannock with over

1,600 residents and 300 staff. It includes retirement homes, assisted living, hospice care and 4 restaurants/dining halls.

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

**RESOLUTION NO. 17-67**  
**RESOLUTION AUTHORIZING THE**  
**AUCTION/SALE/DISPOSITION OF EQUIPMENT**

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) owns Equipment, as further described below:

Three (3) open-top, roll-off containers from the Curbside Department:

- 1) MUA GO3-35 (30 cubic yards)
- 2) BT-2 (30 cubic yards)
- 3) BT-4 (30 cubic yards);and

WHEREAS, the Equipment has been determined to no longer be of use to the MCMUA since it is old and beyond economically feasible repair; and

WHEREAS, the MCMUA desires to sell/dispose of the Equipment, as is, where is; and

WHEREAS, the MCMUA, desires to post the Equipment on an "on-line" web site, such as www.GovDeals.com, for auction and sale to the highest bidder and/or to sell or give the Equipment to another governmental entity through a shared services agreement for an agreed upon price and/or to scrap the Equipment at a scrap metal dealer and/or to otherwise dispose of the Equipment; and

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

3. The Acting Executive Director of the MCMUA is hereby authorized and directed to post and sell the Equipment for auction on an "on-line" web site, such as www.GovDeals.com, to the highest bidder and/or sell or give the Equipment to another governmental entity through a shared services agreement for an agreed upon price and/or to scrap the Equipment at a scrap metal dealer and/or to otherwise dispose of the Equipment at the time deemed appropriate.
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 19, 2017.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

By: \_\_\_\_\_  
Laura Szwak, Chairwoman

ATTEST:

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

**MOTION:** Mr. Barry made a Motion to authorize the Auction/Sale/Disposition Of Equipment and Dr. Nusbaum seconded the Motion.

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

**ATTORNEY REPORT:**

Mr. Carney mentioned that he had no attorney report.

There being no further comments from the attorney, this portion of the meeting was closed.

**OLD BUSINESS:**

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

**NEW BUSINESS:**

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

Chairwoman Szwak asked the Board for a Motion to adjourn the meeting at 8:36 p.m.

MOTION:      Mr. Platt made a Motion for the meeting to be adjourned at  
8:36 p.m. and Dr. Kominos seconded the Motion.

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

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Marilyn Regner  
Secretary

/mr