

**MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY
MINUTES OF REGULAR MEETING**

My 12, 2020

The Regular Meeting of the Morris County Municipal Utilities Authority was held on May 12, 2020 at 7:00 p.m. Due to the Covid19 Virus State of Emergency, this meeting was held remotely using conference call software. The necessary notice of this meeting was published according to the law.

Chairman Dour requested a roll call.

PRESENT: Mr. James Barry, Mr. Frank Druetzler, Mr. Gene Feyl, Mr. William Hudzik, Dr. Dorothea Kominos, Dr. Arthur Nusbaum, Mr. Fletcher Platt, Ms. Laura Szwak and Chairman Christopher Dour

ABSENT: None

Also present were Larry Gindoff, Executive Director; Marilyn Regner, Secretary; Michael McAloon, Suburban Consulting Engineers; Andrew Holt, Suburban Consulting Engineers; Tom Lemanowicz, Alaimo Engineering; Larry Kaletcher, Treasurer; Brad Carney, Esq., Maraziti Falcon LLP; James Deacon, Solid Waste Coordinator; Liz Sweedy, District Recycling Coordinator; and Tayfun Salen, Freeholder-liaison. Mr. Gindoff then asked if there were any members of the public on the meeting call on there were no members of the public present.

Chairman Dour next asked for the Board's approval of the Minutes of the Regular Meeting as well as the Closed Session Minutes dated April 7, 2020.

MOTION: Mr. Barry made a Motion to approve the Minutes of the Regular and Closed Session Meetings of April 7, 2020 and Mr. Hudzik seconded the Motion.

ROLL CALL: YES: 9 NAYES: NONE ABSTENTIONS: NONE

TREASURER'S REPORT:

Mr. Kaletcher presented the Treasurer's Report for the Solid Waste Operating and Water Operating for the month of April 2020. Also included are the Comparative Balance Reports for both Solid Waste and Water through the month of April 2020 and an Investment Report which shows no new investments were purchased during the month of April 2020. These reports have been incorporated in these Minutes.

Chairman Dour asked the Board for a Motion to accept the Treasurer's Report:

MOTION: Dr. Kominos made a Motion to accept the Treasurer's Report and Mr. Barry seconded the Motion.

ROLL CALL: AYES: 9 NAYES: NONE ABSTENTIONS: NONE

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

BILL RESOLUTION NO. 20-30

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. 20-30 containing 7 pages for a total of \$2,883,483.44 dated and made a part hereof by reference.

SUMMARY

CHECK NUMBERS

WATER OPERATING FUNDS	5042-5074	\$ 277,576.50
SOLID WASTE OPERATING	11067-11147	<u>\$ 2,605,906.94</u>
		\$ 2,883,483.44

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 12, 2020

BOARD CHAIRMAN APPROVAL

Christopher Dour, Chairman

SIGNED: _____
Larry Gindoff, Executive Director

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 12, 2020.

DATE: May 12, 2020

Larry Kaletcher, Treasurer

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

ROLL CALL: AYES: 9 NAYES: NONE ABSTENTIONS: NONE

CORRESPONDENCE:

Mr. Gindoff mentioned that the Correspondence Report was sent out with the premeeting packet, as supplemented with two additional letters regarding the Mascaro emergency transfer station contract distributed to Board members prior to the meeting, and that there were no additional correspondence to provide to the Board. There were no questions on the Correspondence Report

CORRESPONDENCE
May 12, 2020

1. Letter dated April 9, 2020 from Karen Kloo, NJDEP, to James Deacon forwarding Camp Pulaski Vegetative Facility class B/C general approval renewal.
2. Email dated April 14 from Tom Farrell, NJDEP, to James Deacon acknowledging the changes to paperless activities at the MCMUA scalehouses due to Covid19.
3. Letter dated April 15, 2020 from Larry Gindoff to Robert Hudgins, NJDEP regarding request for meeting to discuss water allocation matters.
4. Letter dated April 15, 2020 Brad Carney, Esq. to Stephen Bishop, Esq., NJAW regarding water supply contract and limited water supply.
5. Letter dated April 15, 2020 Brad Carney, Esq. to Ed DeHope, Esq., representing Parsippany, regarding water supply.

6. Letter dated April 17, 2020 to Larry Gindoff from Pasquale Mascaro regarding the emergency transfer station contract.
7. Letter dated April 30, 2020 from Larry Gindoff, MCM.UA to Pasquale Mascaro, JP Mascaro and Sons regarding emergency contract for operating the transfer stations.
8. Memorandum dated May 7, 2020 from Larry Gindoff to the MCMUA Board and Shana O'Mara, QPA regarding the emergency transfer station contract.
9. Agenda proposed and sent to Rob Hudgins, NJDEP, regarding water allocation meeting.

ENGINEER'S REPORT:

Mr. McAloon reported on the following:

Operations have continued even though staff activities have been modified to address issues related to Covid19 but the water system is operating as intended delivering water to all its customers. Through April, we have water sales ahead of 2019 and 2018. We did see a big drop in sales to Wharton for about 12 days in April but their consumption by month-end was back to normal. We continue to track water consumption closely to see what impact Covid19 will have on water consumption, but it is too early to report any impacts.

We have received correspondence from NJDEP regarding adjusting the Mt. Arlington water supply agreement and are hopeful this will be finalized prior to the next Board meeting.

Tony Milonas responded to the potential leak on the 24" main on Ironia Road, but the leak detection subcontractor investigated it and determined it was not a leak in our main. We were called to investigate since there was ponding of water occurring on the pavement and acted with due diligence by investigating, but it doesn't appear to be caused by our system. We will continue to review this area to make sure no additional anomalies are present.

On April 28, we had a meeting in Mt. Arlington regarding a pressure drop in a Nolan's Ridge, a small section in Mt. Arlington. This happens when the pump shuts down at the Mt. Arlington Booster Station and the surge anticipation valve opens to protect the system from the surge. Nolan's Ridges is a dead end and high point in the area and this impacts just a few customers. Installation of a combination air relief valve was determined to be the solution to this issue which would mitigate the pressure drops by reducing air in the system prior to pump shut-off. We will prepare estimate costs on this resolution. Additionally, Mt. Arlington thinks this installation should be the MCMUA's responsibility but it is technically Mt. Arlington's distribution system where the issue is occurring, so we feel we both have some responsibility. Before we commit to anything with Mt. Arlington we wanted to bring the matter before the Board. Mr. Druetzler inquired as to the price and Mr. McAloon stated we are hoping less than \$40,000. Mr. Hudzik suggested get the definitive number then we should go ahead. Mr. McAloon responded we are still waiting for pricing from some manufactures and will hopefully know the cost estimate by the next Board meeting.

Unfortunately, regarding the emergency water contractor bid, legal review identified fatal flaws in all three submissions by the proposed contractors. Mr. McAloon presented Resolution Number 20-31 for the Board's consideration.

RESOLUTION NO. 20-31
RESOLUTION OF THE MORRIS COUNTY MUNICIPAL UTILITIES
AUTHORITY REJECTING ALL BIDS FOR CONTRACT NO. EWR-20-01
EMERGENCY REPAIR CONTRACTOR – WATER DIVISION

WHEREAS, after the Morris County Municipal Utilities Authority (MCMUA) rejected all bids received on January 30, 2020 for Contract No. EWR-20-01, pursuant to Resolution No. 20-21, because the bid specifications needed to be substantially revised in accordance with N.J.S.A. 40A:11-13.2(d), the MCMUA thereafter duly advertised for the receipt of sealed competitive bids for the "Emergency Repair Contractor – Water Division Re-Bid for Contract No. EWR-20-01"; and

WHEREAS, the MCMUA received three (3) responses to the aforementioned re-bid solicitation on May 6, 2020 as follows:

John Garcia Construction Co., Inc. \$18,800.00 (Total Field Labor)
183 Friar Lane
Clifton, NJ 07013

J. Fletcher Creamer & Son, Inc. \$20,624.00 (Total Field Labor)
101 East Broadway
Hackensack, NJ 07601

Colonnelli Brothers, Inc. \$21,824.00 (Total Field Labor)
409 South River Street
Hackensack, NJ 07601

WHEREAS, in addition to field labor costs, emergency repair costs would also include the cost of mobilization, materials and equipment; and

WHEREAS, the bid specifications provided that the cost of materials would be at net cost, the cost of equipment would be at net cost based on Kelly Blue Book at the time of work; and the cost of mobilization would be 10% of gross cost per call out; and

WHEREAS, the mandatory minimum qualifications of the bid solicitation requires, among other things, that the bidder must have completed at least five (5) linear construction projects (construction of distribution pipelines, conduits, cables, substructures, equipment and associated ancillary infrastructure) for a water and/or wastewater utility provider in the past five (5) years, consisting of various pipe sizes, each having a value of a minimum of \$1 million; and

WHEREAS, the submission made by John Garcia Construction Co., Inc. only contained two (2) completed linear construction projects having a value of \$1 million or more in the past five years and therefore it fails to satisfy the mandatory minimum qualifications of the bid solicitation; and

WHEREAS, the submission made by J. Fletcher Creamer & Son, Inc. did not provide the completion dates for any of the linear construction projects it identified, as required by the mandatory minimum qualifications, and therefore it cannot be determined based on the four corners of the bid whether any of the linear construction projects were completed in the past five years and therefore it fails to satisfy the mandatory minimum qualifications of the bid solicitation; and

WHEREAS, the submission made by Colonnelli Brothers, Inc. only contained four (4) completed linear construction projects having a value of \$1 million or more in the past five years and therefore it fails to satisfy the mandatory minimum qualifications of the bid solicitation; and

WHEREAS, the submission made by Colonnelli Brothers, Inc. also failed to acknowledge receipt of Addendum No. 2; and

WHEREAS, based on the foregoing, all bids must be rejected as non-responsive because failure to comply with the mandatory minimum qualifications is a material defect that cannot be waived by the MCMUA.

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

1. The MCMUA rejects all bids received on May 6, 2020 for Contract No. EWR-20-01 for the reasons set forth in this Resolution and the Qualified Purchasing Agent is authorized to return the bid security to the bidders.

2. The MCMUA's staff and consultants are authorized to re-advertise for the receipt of bids for the Emergency Repair Contractor – Water Division, Contract No. EWR-20-01.
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 meeting held on Tuesday, May 12, 2020.

MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Christopher Dour, Chairman

ATTEST:

Larry Gindoff, Executive Director

MOTION: Mr. Hudzik made a Motion that we adopt the Resolution #20-31 regarding the emergency water repair contractor and Mr. Barry seconded the Motion.

Mr. Carney added that the resolution also authorizes re-advertising for another bid. Mr. Druetzler commented prior to the vote that he will be voting no on the resolution. He stated about two years ago we thought it would be a good idea to go out for the emergency contractor, I thought it was a good idea, but it has been two years, and this is the second rejection. We have been spending money on developing these specifications, it's not rocket science to fix a leak so he stated he is sick and tired on always finding a problem with the bids, so he will be voting no.

ROLL CALL: AYES: 8 (All approved with the exception of Mr. Druetzler)
NAYES: Mr. Druetzler
ABSTENTIONS: NONE

Mr. McAloon next asked for consideration of Resolution 20-32 regarding the Howard Blvd. water main installation. We opened bids on May 5 and received 3 bids. Tomco had a fatal flaw in its submission as we did not received the necessary paperwork at the time of the bid, therefore were are prepared to recommend award to John Garcia Construction.

**RESOLUTION NO. 20-32
RESOLUTION OF THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY
AWARDING HOWARD BOULEVARD WATER MAIN INSTALLATION
CONTRACT NO. 28CR-20 TO JOHN GARACIA CONSTRUCTION CO., INC.**

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) solicited bids for the Howard Boulevard Water Main Installation, Contract No. 28CR-20; and

WHEREAS, three bids were received on May 6, 2020 as follows:

Tomco Construction, Inc. 22 Howard Blvd., Suite 204 Mt. Arlington, NJ 07856	\$59,990.00
 John Garcia Construction Co., Inc. 183 Friar Lane Clifton, NJ 07013	 \$61,970.10

VNL, Inc.
971 West Chestnut Street
Union, NJ 07083

\$173,400.00

WHEREAS, the bidding documents were reviewed by the Authority's staff and consultants, including the firm Maraziti, Falcon LLP and the firm Suburban Consulting Engineers, Inc.; and

WHEREAS, the bid response from Tomco Construction, Inc. failed to include a complete Statement of Ownership Disclosure (page CD-12 was missing from the submission) and therefore the names and addresses of all persons owning ten percent or more of Tomco Construction, Inc. were omitted and said omission is a material defect that cannot be waived by the MCMUA in accordance N.J.S.A. 40A:11-23.2 which states that such failure "shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body"; and

WHEREAS, the bid response from John Garcia Construction Co., Inc. does not contain any material defects and is the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Treasurer certifies that funds are available from Budget Line Item 02-6-300-800-015 to finance the Howard Boulevard Water Main Installation in the bid amount of \$61,970.10.

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

1. The bid submission from Tomco Construction, Inc. is unresponsive and rejected for failing to include a completed Statement of Ownership Disclosure at the time of receipt of bid and cannot be cured by the Authority in accordance with N.J.S.A. 40A:11-23.2.
2. All immaterial defects contained in the bid submission of John Garcia Construction Co., Inc., if any, are waived and the MCMUA awards the Howard Boulevard Water Main Installation, Contract No. 28CR-20, to John Garcia Construction Co., Inc. as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
3. The Contract awarded herein to John Garcia Construction Co., Inc. shall commence after the execution of the Contract, the submission of the Performance

Guarantees and all required insurance certificates required by the Contract, and after the issuance of a Notice to Proceed issued on behalf of the MCMUA.

4. The bids and bid security of the unsuccessful bidders shall be returned to them within three days, Sundays and holidays excepted, after the awarding and signing of the Contract and approval of the Contractor's Performance Bond in accordance with N.J.S.A. 40A:11-24.
5. The MCMUA's staff and consultants are hereby authorized and directed to take such actions as are necessary or desirable to effectuate the terms and conditions of this Resolution.
6. The Authority Treasurer certifies the availability of funds for Contract No. 28CR-20 from Budget Line Item 02-6-300-800-015.
7. 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 meeting held on Tuesday, May 12, 2020.

MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY

By: _____
Christopher Dour, Chairman

ATTEST:

Larry Gindoff, Executive Director

MOTION: Mr. Platt made a Motion that we adopt the Resolution #30-32 regarding the Howard Blvd. water main installation contractor and Dr. Kominos seconded the Motion.

ROLL CALL: AYES: 9 NAYES: NONE ABSTENTIONS: NONE

Regarding Markewicz Pump Station, JCP&L has completed installation of the 480-volt service with electrical startup occurring at the end of the prior week. Equipment is now being energized and tested. The first pump has been set in place with final adjustments being made. We are hopeful the first replacement pump should be moving water shortly.

Regarding the May 11 water supply meeting the MCMUA had with NJDEP, background was presented regarding contracts and current negotiations. We also walked them through some potential scenarios resulting from the end of the existing contracts as well as the potential end in the reduction period with SMCMUA. Brad stated we are discussing this in open session to the extent we can but if we want to go into details regarding contract negotiations, we can do that closed if Board members desire. Mr. McAloon stated NJDEP did advise that its calculation for deficit/surplus has been revised and it is basing its calculation on actual water usage using a 5-year running average as opposed to its past method of using contractual commitments. While this hasn't been formally adopted, the policy is being developed and the NJDEP's website has been updated to reflect this new methodology across the board. At this point NJDEP cannot commit to how new allocations will be handled so we are looking forward to receiving a formal response from them on how this will be handled in the future. They advised they will have an internal review of the information we gave them and provide us direction in the near future. Mr. McAloon stated we will

be following up most likely with another meeting and we are working to push their hand and get this moving. Mr. Carney stated the presentation provided by Mr. Holt and Mr. McAloon during this meeting was terrific and well done. Mr. Druetzler asked about timing on the next meeting. Mr. McAloon stated he wants to push it. Hopes prior to the next Board meeting, but NJDEP did not provide any timeline during the meeting.

PROJECT STATUS

1. General System

- A. COVID-19 Status - The operation of the water system has continued under normal operation conditions, with no significant impact to the ability to provide water delivery to the MCMUA customers. Operational staff schedules have been modified to reduce potential interactions and exposure.
- B. Through April 2020, MCMUA sold approximately 485 MG to date. This total volume of water sold to date is above the total sold for the same time period in 2019 (449 MG) and the volume sold in 2018 (472 MG) respectively. Wharton water sales dropped approximately 59% last month. The reason for this drop is unknown, however, in reviewing the meter data, it appears consumption has returned to normal. SCE will continue to be closely tracking the water sales and the potential impacts from COVID-19. It is too early to anticipate which potential impacts, if any, it may have on water sales as customers modify daily schedules.
- C. The NJDEP is in the processing of finalizing the MCMUA to Mt. Arlington Water Supply Contract to correct the daily limit from 0.34 MGD to 0.5 MGD. We are hopeful the agreement will be finalized prior to the June Board Meeting.
- D. Water Superintendent Tony Milonas responded to a call about a potential leak on the 24” Ironia Road Main. MCMUA investigated with the leak detection sub-contractor and equipment and determined this was not an active leak on this main. We will continue to monitor this location to ensure operation continues as normal.
- E. On Tuesday April 28, a site visit was conducted at Nolan’s Ridge in Mt. Arlington to discuss concerns with regard to property owners and the water system operation. Paul Nelson and Amy Breitwieser representing Mt. Arlington, and Tony Milonas, Mike McAloon, and Will Schurman representing MCMUA discussed concerns experienced from Mt. Arlington residential customers. Through discussions it was determined when the Mt. Arlington booster station pumps shutdown, the surge anticipation valve at the booster station opens to protect the distribution system. The function of the surge anticipation valve creates an instantaneous pressure drop which disrupts this small section of the community. Being this section is a dead end, and high point in this part of the system, it is only impacting a few customers. It was determined the installation of a combination vacuum/air relief valve is needed to mitigate this occurrence. We are in the process of preparing an estimated cost for this project and are prepared to discuss further in with the Board.

2. Water Division Emergency Contractor

On Tuesday, May 5, 2020 at 4:00pm, the bids for the EWR-20 Emergency Repair Contractor – Water Division Re-Bid were opened. Three (3) bids were received from ***J. Fletcher Creamer & Son, Inc.*** from Hackensack NJ, and ***John Garcia Construction Co, Inc.*** from Clifton NJ, and ***Colonnelli Bros., Inc.*** from Hackensack NJ, with John Garcia Construction. being the low bidder. The bid documents were reviewed to ensure conformance with bidding requirements including the mandatory minimum qualifications. The bid review includes the evaluation of the anticipated labor costs provided by each bidder. SCE recommends award of EWR-20 Emergency Repair Contractor – Water Division to John Garcia Construction Co, Inc. following legal review of the bids submitted.

3. M. Arlington Water Storage Tank Rehabilitation

Contract A – Tank Isolation

On Tuesday, May 5, 2020 at 11:00am, the bids for the Howard Boulevard Water Main

Installation Project were opened. Three (3) bids were received: Tomco Construction Corp. from Mt. Arlington NJ, John Garcia Construction Co, Inc. from Clifton NJ, and VNL Inc. from Union NJ, with Tomco Construction Corp. being the low bidder. The bid documents were reviewed to ensure conformance with bidding requirements. As time is of the essence on this project, SCE recommends award to Tomco Construction Corp. in the amount of \$59,990.00 upon availability of funds and legal review of the bids submitted.

It is anticipated this work will be performed prior to the June MCMUA Board Meeting, to facilitate installation prior to the County milling and paving project anticipated to begin in July. This infrastructure is critical and necessary for the Mt. Arlington Tank Isolation.

4. Markewicz Pump Station Electrical Upgrades Construction

JCP&L has successfully completed the replacement of the service entrance transformer which was previously determined was not operating correctly. The new 480v service has been connected and is available. It is anticipated electrical startup of the new equipment and components is anticipated the week of May 11, 2020. The Contractor has continued the installation of the first replacement pump and electrical components. Upon final installation, testing, and electrical startup. This pump will be operated for a period of one week to confirm its operation prior to demolition of additional pumps.

The Contractor has not formally submitted a payment application at the time of this report preparation. In the event payment is submitted, it will be reported at the meeting.

Project Completion Summary Through April 7, 2020

Contract Start Date	May 1, 2019
Original Contract Completion Time	360 Calendar Days
Approved Time Extension	124 Calendar Days
Current Contract Completion Time	484 Calendar Days
Days Elapsed:	377 78%
Days Remaining:	110 22%
Original Contract Completion Date	April 25, 2020
Amended Contract Completion Date	August 27, 2020

Project Financial Summary Through May 12, 2020

Original Contract Amount	\$1,932,963.00
Change Order #1	\$32,156.00
Change Order #2	\$6,620.19
Change Order #3	\$1,998.44
Total Change Orders to Date	\$40,774.63
Current Contract Amount	\$1,973,737.63
Total Value of Work Complete	\$1,724,564.53
Percent of Work Complete	89.2%
Payment Application #1	\$108,909.90
Payment Application #2	\$215,825.89
Payment Application #3	\$251,614.21
Payment Application #4	\$178,762.49
Payment Application #5	\$298,214.95
Payment Application #6	\$143,030.22
Payment Application #7	\$171,361.46
Payment Application #8	\$187,897.95
Payment Application #9	\$134,457.56
Total Retainage to Date	\$34,491.29

Construction Administration Financial Summary Through May 12, 2020

Original Contract Amount	\$289,500.00
Invoice #1:	\$58,156.72
Invoice #2	\$15,025.45
Invoice #3	\$11,866.65
Invoice #4	\$11,470.83
Invoice #5	\$14,996.26
Invoice #6	\$16,138.89
Invoice #7	\$18,105.80
Total Invoiced	\$145,760.60
Percent Invoiced:	50.3%

Progress Meeting No. 10 was held on Friday April 24, 2020 at 9:00am. Progress Meeting No. 11 is scheduled for Thursday, May 7, 2020 at 9:00am via virtual meeting.

5. Water Supply Contract Discussion

Distribution of formal correspondence has been performed to the respective entities as previously discussed. SCE has prepared a formal meeting agenda with input from the MCMUA Water Committee with regard to the MCMUA Water Supply discussion with New Jersey Department of Environmental Protection (NJDEP). We have circulated this agenda, as well as anticipated meeting dates. NJDEP has received the agenda and dates and are in the process of having internal discussions about the information presented in the agenda and will be contacting us later in the week.

SOLID, HAZARDOUS & VEGETATIVE WASTE REPORT:

Mr. Deacon reported the following:

Tonnage is slightly up from last week for both the Mt. Olive and Parsippany transfer stations and homeowners continue to use the transfer stations for residential self-generated disposal at higher than usual levels.

Regarding the tipping floor project, Persistent’s metal fabricators will be on-site at the end of this week to do the steel work. Tom Lemanowicz, stated he received the schedule earlier and is looking forward to getting this project moving again.

Mr. Deacon continues and reported the APC electric bill is in tonight’s listing of bills to be paid. Additionally, Alaimo has informed the MCMUA that Parsippany has closed out the final paperwork on the APC. Mr. Lemanowicz asked if we had received the hard copy yet and Mr. Deacon replied no, only the email. Mr. Lemanowicz mentioned the mail has been unreliable during this Covid19 crisis. Mr. Hudzik concurred.

Regarding the transfer station bid, we issued Addendum #4 today moving the bid receipt date up a week to May 28, but the addendum is provided primarily to allow for a safe process for bidders to hand deliver bids to our office due to the aforementioned unreliability of delivery services during the pandemic.

With respect to the solid waste management plan, the WSI application discussed last month is still under review but it was sent to SWAC yesterday just to provide them an update on potential actions that may come before them.

Regarding HHW, the May 16 event was canceled, and the June event will be moved from the CCM parking lot to the Safety Academy since the CCM parking lot is still being used for Covid19 testing. The County OEM has been very helpful in accommodating us on such short notice, as well as providing us electronic sign boards to inform the public of the canceled event outside the Academy.

Regarding vegetative waste, we did receive the Camp Pulaski general approval from NJDEP. Also, sales continue with our marketing contractor, Naturcycle. Starting this week we will begin the improvement project of the entrance to the Parsippany site. Mr. Deacon also mentioned the revised vegetative waste reports to the Board now include the costs of delivery and marketing contractors in

the report. This was done in accordance with the request at the last meeting and will help the Board can understand these cost impacts to the rest of the program.

Mr. Deacon continued by stating he has two discussion points to bring before the Board regarding the Board's views about resuming two programs that have been suspended due to the pandemic. These include residential delivery of compost and mulch as well the operation of the permanent HHW facility in Mt. Olive. Mr. Gindoff mentioned at the April meeting, we had unanimous support to keep these two program idle during the state of emergency but as the state begins to re-open up Mr. Gindoff wanted to understand the Board's view on these programs. Mr. Gindoff indicated he feels these programs generate minimal person-to-person contact and feels with proper precautions, we can operate both safely. As such, he would suggest coordinating with the County's OEM on the opening of these programs if the Board concurs. Mr. Hudzik agreed with this approach and just wanted us to make sure we are not breaking any laws. Dr. Kominos also wanted to make sure we had adequate PPE to open the programs. Mr. Hudzik made a motion to have staff work with the County OEM to coordinate the resumption of HHW and residential vegetative deliveries as discussed above. Mr. Barry seconded this motion.

Mr. Dour asked if deliveries are pre-paid or do people leave a check at the door. Mr. Gindoff responded that it is currently to leave a check at the door and our drivers collect the check left by the resident. Mr. Dour asked if we could do it by credit cards versus check. Mr. Gindoff stated that the Acuity Scheduling system we implemented for HHW scheduling several months ago can probably be adapted to allow for online scheduling and pre-payment, by credit card, of deliveries. He said he would look into implementing that system which would provide one more level of social distancing protection as well as being an improvement for customers and the MCMUA alike. All Board members with the exception of Dr. Nusbaum approved the motion and none opposed.

(Dr. Nusbaum did not respond to this role call. It was assumed it was due to technical difficulties related to the conference meeting software. From this point forward in the meeting it appeared as if Dr. Nusbaum was present in the meeting software but wasn't unable to respond to role calls.)

Mr. Deacon asked for the Board's consideration of Resolution Number 20-33 regarding the transfer stations emergency contract with JP Mascaro.

RESOLUTION NO. 20-33

RESOLUTION AFFIRMING AWARD OF EMERGENCY CONTRACT TO J.P. MASCARO & SONS FOR OPERATING THE TWO MORRIS COUNTY SOLID WASTE TRANSFER STATIONS, LOCATED IN PARSIPPANY-TROY HILLS TOWNSHIP AND MOUNT OLIVE TOWNSHIP, INCLUDING PROVIDING TRANSPORTATION TRAILERS AND DISPOSAL OF ALL COUNTY SOLID WASTE RECEIVED AT THE TRANSFER STATION FACILITIES FOR A TERM LIMITED TO THE DURATION OF THE EMERGENCY PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS on February 10, 2015 the Morris County Municipal Utilities Authority (the "Authority") adopted Resolution No. 15-21 awarding a five year contract to J.P. Mascaro & Sons ("Mascaro") for "Operating the Two Morris County Solid Waste Transfer Stations, Including Providing Transportation and Disposal of All County Solid Waste Received at the Transfer Station Facilities," which will expire on May 31, 2020 (the "2015 Contract"); and

WHEREAS, on February 21, 2020, the Authority published a Notice to Bidders requesting bids for a new five year contract for "Operating the Two Morris County Solid Waste Transfer Stations, Including Providing Transportation and Disposal of All County Solid Waste Received at the Transfer Station Facilities" (the "2020 Contract"); and

WHEREAS, the receipt of bids was initially due on April 21, 2020, but due in part to the

fact that the United States Department of Health and Human Services and the Governor of the State of New Jersey having declared that COVID-19 constitutes a public health emergency, Addendum No. 1 was issued on March 25, 2020 that extended the receipt of bids until May 21, 2020 and stated that the Authority strongly encourages all bidders “to submit their bid packages via commercial delivery courier or mail delivery through the United State Postal Services, in lieu of in-person hand delivery”; and

WHEREAS, on April 15, 2020 the Department of Community Affairs, Division of Local Government Services issued Local Finance Notice 2020-10 which was provided in light of Executive Order No. 107’s restrictions on public gatherings to mitigate the spread of COVID-19 and recommended alternatives to reduce in-person contact during the bidding process. It specifically reaffirmed the guidance in Addendum No. 1 that “[a]dvertisements should also encourage bid and RFP responses to be submitted via certified mail or overnight delivery, which not only avoids the need for hand delivery but also confirms the delivery date.” Additionally LFN Notice 2020-10 stated “local contracting units are encouraged to specify a return date for bid or RFP submissions in published advertisements that is beyond the minimum specified in statute” except where necessitated by public exigency which was accomplished by Addendum No. 1.; and

WHEREAS, on April 21, 2020, the Authority issued Addendum No. 2 that addressed approximately thirty-five bidder questions and advised that due to COVID-19 health emergency and the extension of the bid opening by one month from April 21, 2020 to May 21, 2020, the anticipated start date for the 2020 Contract would be July 1, 2020; and

WHEREAS, the earliest that the Authority would able to award the 2020 Contract to the lowest responsible bidder is at its June 9, 2020 Board Meeting and there would be time necessary for certain documents, such as insurance, to be provided prior to the issuance of a Notice to Proceed and remobilization of the contractor to the Morris County Transfer Stations; and

WHEREAS, in order to prevent the closure of the Transfer Stations which would be extraordinarily detrimental to human health, safety and welfare for the entirety of Morris County because there would be no proper place for the disposal all non-hazardous solid waste generated in Morris County, Mascaro advised in its letter dated April 17, 2020 to the Authority’s Executive Director that it would be willing to enter into an emergency contract with the Authority for the continued operation of the Authority’s transfer stations and further stated, in relevant part:

Our company would be willing to agree to extend the existing contract for the period you desire, and we would agree to be compensated “after the fact” at the price submitted by the determined lowest responsible bidder on the new solicitation. We feel this approach is fair and equitable to both the Authority and Mascaro and does not prejudice our competitive situation; and

WHEREAS, the Authority has reviewed the attached written memorandum from the Executive Director to the Authority’s Board, dated May 7, 2020 and the attached letter agreement from the Executive Director to the President of J.P. Mascaro & Sons, dated April 30, 2020 regarding the necessity for an emergency contract with Mascaro for the continued operation of the Authority’s Transfer Stations and transportation and disposal of solid waste to final disposal facilities in order to protect human health, safety, welfare and the environment from June 1, 2020 through the Commencement Date set forth in the Notice to Proceed to be issued after award of the 2020 Contract to the lowest responsible bidder or the date the contractor is able to mobilize and commence operations under the 2020 Contract; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

WHEREAS, the Authority is satisfied that, for the reasons articulated in the written memorandum from the Executive Director to the Authority’s Board, dated May 7, 2020 that the award of the emergency contract to J.P. Mascaro & Sons for the duration of the emergency as set forth in the letter agreement from the Executive Director to the President of J.P. Mascaro & Sons, dated April 30, 2020 was proper and necessary in order to protect human health, safety, welfare, and the environment and that the circumstances that gave rise to the need for said emergency contract could not be reasonably foreseen and were beyond the control of the Authority.

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

1. The Authority affirms the award of the emergency contract, dated April 30, 2020 to J.P. Mascaro & Sons for the Operating the Two Morris County Solid Waste Transfer Stations, Including Providing Transportation and Disposal of All County Solid Waste Received at the Transfer Station Facilities, for the pricing and term

limited to the duration of the emergency as set forth in the emergency contract from the Executive Director to the President of J.P. Mascaro & Sons, dated April 30, 2020.

2. The Authority's staff and consultants are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Special Meeting held on May 12, 2020.

MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

By: _____
Christopher Dour, Chairman

ATTEST:

Larry Gindoff, Executive Director

Mr. Gindoff provided background on this emergency contract with respect to its limited duration as well as pricing. Regarding duration, it will be in effect only as long as it needs to be in order to get the new contract to begin in accordance with a commencement date provided in a notice to proceed issued by the MCMUA. These bids are now due May 28. With respect to pricing, Mascaro agreed to be paid the price the MCMUA is currently paying and then after the new bids are received, the MCMUA would reimburse Mascaro for each ton it managed during the emergency contract based on the difference between the current pricing and the first year pricing awarded for the new contract. Mr. Gindoff stated he appreciates how Mascaro has worked with us during the emergency and this pricing scenario allows for situation where it doesn't impact the current procurement with respect potentially broadcasting Mascaro's future bid prices. Mr. Gindoff recommends the MCMUA proceed with this contract to move forward.

MOTION: Mr. Platt made a Motion that we adopt the Resolution #30-33 regarding the transfer station emergency contract with JP Mascaro and Mr. Hudzik seconded the Motion.

ROLL CALL: AYES: 8 (Mr. Nusbaum did not respond to the role call)
NAYES: NONE
ABSTENTIONS: NONE

GENERAL ADMINSTRATIVE MATTERS

The Morris County Municipal Utilities Authority (MCMUA) continues to provide essential services during the 2020 Coronavirus (COVID-19) pandemic. Our employees in every department of the MCMUA are working very hard to protect the health and safety of the community while servicing the residents of the County of Morris through these essential programs. MCMUA employees are still providing these services while minimizing public exposure. After providing Morris County's essential services each day, MCMUA employees have been instructed to go home and/or other employees are still working from home. Phone coverage continues to be limited, so we asking the public to try contacting us by email whenever possible using our general info@mcmua.com email address. Program changes and updates are posted on the MCMUA website. Discussion with our employees about taking extra measures with protecting themselves against the Coronavirus, doing their due diligence concerning contact with customers, practicing social distancing and proper hygiene, continue through weekly

trainings and staff meetings. The scale houses and curbside division still have a decent amount of PPE, cleaners, hand sanitizers, etc. Supervisors have talked with employees about the shortage of supplies available so to conserve the amount of supplies they use. Essential MCMUA Operational personnel should be commended for their efforts during this COVID-19 pandemic.

TRANSFER STATIONS

Tonnage- For the month of April 2020, the quantity of solid waste accepted at the two (2) transfer stations was 27,912 tons. This represented a **25.51%** decrease compared to April 2019 totals of 37,472 tons, attributed to the COVID-19 pandemic. Please refer to the attached Transfer Station Disposal Report by Month for additional information.

Tonnage numbers continue to decrease each day with the closing of businesses and schools in Morris County due to COVID-19. The Mount Olive transfer station is down almost 3,000 tons from last year, even with the surge in non-account drop-off, primarily residential. Mount Olive transfer station is down 518 total customers from the previous year in the month of April. The Parsippany transfer station has seen a similar decrease with 1,331 less customers in April 2020 and 6,637 less tons of waste. The amount of daily calls from homeowners to the transfer station scale houses continues to increase due to closures of municipal Department of Public Works (DPW) yards.

Parsippany-Troy Hills Transfer Station Improvements Project- This project involves the replacement of the main tipping floor, trench drains, and related steel repair work. The demolition of the damaged steel in Phase 1 has all been removed. Persistent Construction, Inc. (Persistent) and sub-contractor ABBA Metal Works (ABBA) are currently working on the steel shroud and frame structure in Phase 1. On April 20, Alaimo Engineering approved with comments, the revised gear operator and valve position indicators as part of Phase 2's underground storage tanks piping improvement project. An updated Project Timeline was also received from Persistent detailing the completion of Phase 1 and start of Phase 2, both occurring in mid-July 2020. According to this detailed timeline, the MCMUA Parsippany transfer station improvement project end date has been pushed back till the end of September 2020. Phase 2 will involve all the comparable construction to the Phase 1 work on the Western most tipping bays (2) and modifications to loading bays #3 and #4. Information remains on the MCMUA web reminding our customers of this construction activity in Parsippany-Troy Hills.

Parsippany-Troy Hills Transfer Station- Air Pollution Control (APC) System- The MCMUA has reviewed J.P. Mascaro and Sons invoice and the related supporting documentation for the APC System electric bill and recommend approval of the reimbursement of \$74,747.89, which will be included in the schedule of warrants at the May 12 Board meeting. J.P. Mascaro and Sons will compile similar information for February, March, and April of 2020 and will forward along with corresponding back-up to the MCMUA for review. Going forward, J.P. Mascaro and Sons will submit this information monthly, related to the electrical costs experienced due to the installation of the APC system for the remainder of this Contract.

Transfer Stations Administrative Matters- The MCMUA requested Bids on February 21 for "The Operation of Two Morris County Solid Waste Transfer Stations, located in Parsippany-Troy Hills Township and Mount Olive Township, Including Providing Transportation and Disposal of All Solid Waste Received at the Transfer Station Facilities." Due to Covid-19, an Addendum has extended the date and time for the receipt of Bids for Bid#2020-SW01 from Tuesday, April 21, 2020 at 11:00 AM to Thursday, May 21, 2020 at 4:00 PM. The Contract Award date is now scheduled for no later than Tuesday, June 9, with the Contract Start-Up date set for Wednesday, July 1, 2020.

The Authority prepared its responses to questions on the Bid in a written Addendum posted on the website, published in the newspaper, as well as provided to the potential Bidders. With the current five (5) year contract with J.P. Mascaro and Sons terminating at the end of May 2020, and in consideration of the COVID-19 State of Emergency, the Board adopted a motion at the April 7 meeting authorizing the MCMUA to negotiate a temporary emergency contract for the operation of the transfer stations for the duration of the COVID-19 pandemic until Bids can be received. In accordance with the April 7 motion, a copy of a negotiated signed Emergency Contract with J.P. Mascaro and Sons to operate the two (2) MCMUA transfer stations dated

April 30, 2020 has been attached as correspondence for the Board. A resolution with respect to this emergency and associated temporary contract will be presented to the Board at the May 12 meeting for its consideration.

The MCMUA Operational Staff continue working with J.P. Mascaro on lists of pending repairs and improvements that are in need of completion at both transfer stations. These ongoing repairs such as the scales, concrete and steel work, paving, curb repairs, and line striping are coordinated between J.P. Mascaro hired contractors and the MCMUA Operational Managers. Similar repairs under the responsibility of the MCMUA have either been completed or are currently being scheduled. Electrical and safety related improvements mentioned in Garden State Environmental (GSE)/ Morris County Risk Management and the Morris County Fire Marshal's inspection reports continue to be addressed. A major improvement during the month of April 2020 was the relocation of all the electric in at Mount Olive transfer station well pit to outside the pit. This included installing two (2) 30Amp 600Volt nema 3R disconnects, a new switch for bubbler, a new heater in the pit, with all the boxes, fittings, conduit and hardware being watertight.

MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN

WSI Management, LLC- Plan Inclusion- Mentioned at the April 7 Board meeting, WSI Management, LLC submitted an information packet for possible inclusion in the Morris County Solid Waste Management Plan (Plan). This submitted information for Plan inclusion is still under review by MCMUA staff.

HOUSEHOLD HAZARDOUS WASTE (HHW) MANAGEMENT

Program Participation- With the permanent household hazardous waste facility (HHWF) located at the MCMUA Mount Olive transfer station being closed due to COVID-19, completed appointments for 2020 remain at 132. Reopening the HHW facility to the public will be presented at the May 12 Board meeting as a topic of discussion. Included in this discussion will be the first two (2) 2020 HHW one-day drop-off events scheduled for May 16 at the Morris County Public Safety Training Academy (MCPSTA) and June 13 in the parking lot of the County College of Morris (CCM). MCMUA staff has already reached out to the MCPSTA Director to see if the June 13 date is available at their location and is also working with waste contractor MXI on the details. CCM Parking Lot #1 is currently being used as Morris County's COVID-19 patient testing site. Surrounding Counties throughout the State continue to cancel their one-day drop-off events well into June 2020. The MCMUA has officially canceled its May 16 event, and is looking to move the June 13 event to the Academy.

HHW Administrative Matters- The MCMUA requested Bids on March 16 for both "Bid #2020-HHW01 the Operation of the MCMUA Household Waste Drop Event Days" and "Bid #2020-HHW02 the Operation of the MCMUA Household Hazardous Waste (HHW) Permanent Facility." The non-mandatory site tour of the permanent HHW facility took place in March, with three (3) different companies attending.

Much like the solid waste transfer station Bid discussed above, these two (2) HHW RFP's were amended to extend the acceptance date for the proposals due to the COVID-19 emergency. Bids will now be received on Tuesday, June 2, 2020 at 4:00 PM instead of the originally planned date of Tuesday, March 31, 2020 at 11:00 AM. Additionally, Addendum #2 for both Bid #2020-HHW01 and Bid #2020-HHW02 was provided to correct an error included regarding the request for the performance bond related to these contracts.

Also, in response to written questions received by the Authority, and in order to clarify certain terms and conditions of the Requests for Bids, the Authority prepared its responses in a written Addendum. This was posted on the website, published in the newspaper as well as distributed to potential Bidders.

VEGETATIVE WASTE MANAGEMENT

Due to the COVID-19 pandemic, on March 30 both Vegetative Waste Recycling Facilities in Parsippany and Mount Olive started operation to perform essential duties on very limited hours. While they are still closed to the general public, they remain open on reduced hours to assist Morris County Municipalities and landscapers. Both locations are open Monday through Friday,

from 7:00 AM till 12:00 PM. During these times, landscapers and municipal DPW's are allowed to drop off and pick up materials as long as they ensure constant long-distance communication with the MCMUA site supervisor(s). Opening up residential deliveries of compost and wood mulch will be presented at the May 12 Board meeting as a topic of discussion. A copy of the Vegetative Waste Report will be provided to the MCMUA Board for the May 12 meeting as reference.

MCMUA staff is looking into the option for having Morris County Residents visit each of our facilities to pick up and drop off vegetative waste material but wanted to make sure the MCMUA is following the appropriate guidelines put in place by Morris County Risk Management. Currently, people come onto our property at each of our sites in Mount Olive and Parsippany to pick up mulch and compost free of charge as a service to the residents of Morris County. While this is only done at the entrance of each property, the MCMUA was looking into the possibility to accept material from residents into our yards as well as the loading of vehicles with finished products for a fee. MCMUA staff has started looking into the possibility of moving the whole system online, similar to what was achieved with our HHW permanent facility appointments.

The MCMUA employees completed and submitted the required paperwork and attachments for the renewal of the Mount Olive/ Camp Pulaski Vegetative Waste/ Compost Permit, referred to as a Multi-Class (Class B/C) Recycling Center by the New Jersey Department of Environmental Protection (NJDEP). On April 9, the MCMUA received the General Approval Renewal from the NJDEP Bureau of Recycling and Hazardous Waste Management.

Outbound Vegetative Materials Marketing- Some of April 2020 joint projects concerning Naturcycle and MCMUA materials include:

- Pier 26 in Lower Manhattan using screened compost. The Hudson River Park Trust is turning an existing pier on the Hudson River into a park-like setting. The compost is mixed with lightweight aggregate, sand, and local topsoil to make an engineered blend for structural soil (tree planting under sidewalks), lawn areas, and planting beds. This job will be complete Summer of 2020 and use about 1,000 yards of MCMUA compost total.
- Tray Based Green Roof System using screened compost. The MCMUA is one of Naturcycle's Green Roof Media blends (soils without much, silt, and clay are considered media). It is mixed with other materials to make a growing media base material for a tray. They fill the plastic tray with our media and grow plants on it for a period of time then re-plant/move the tray to a roof to capture stormwater. This blend used MCMUA media, not all of Naturcycle's blends use MCMUA compost. This project used about 25 yards in a 100 yard order.
- Cricket Valley Power Plant in the Amenia, New York, an area a new Natural Gas Power Plant is now under construction. To repair all the disturbed soil, Naturcycle compost is specified through Tetra Tech with an amendment plan Naturcycle provides them. It says to add 15 to 20% compost by volume, mix well through a trommel or screen then place back and vegetate. Adding fresh organic matter (compost) helps the soil and the plants. Naturcycle works often on these types of long term projects and wrote the specs for in the spring 2018. It will be about 2,000 yards unscreened MCMUA compost when complete.

Backup Trucking Service for Residential Vegetative Waste Deliveries- Kirk Allen Trucking Services, LLC. began assisting with the residential delivery services of our MCMUA produced mulch and compost in the beginning of March 2020 before the COVID-19 pandemic forced the program to close temporarily. The MCMUA staff continues to receive phone calls and e-mails about the delivery program, and continues to keep an ongoing list of cancellations. The MCMUA is excited to start to move these materials to our Morris County residents, with the help of Kirk Allen Trucking, as soon as we can.

During the month of April, Kirk Allen Trucking did purchase 1,000 CY (cubic yards) of wood mulch and 500 CY of screened compost for their use. Tri-State Bulk Garden Supply also purchased 1000 CY of unscreened materials from our facilities.

GENERAL ADMINISTRATIVE MATTERS

MCMUA staff met with Morris County Public Works Superintendent, Michael D’Agostino, and a supervisor from the Morris County Shade Tree Division to discuss the entrance improvement project starting from the back side of the Morris County Public Safety Training Academy. Morris County Shade Tree has agreed to assist with cutting back trees and vegetation on both sides of the entrance road all the way into the compost facility, around the office trailer, and around the blacktop area that stages our free piles of compost and wood mulch. Different ideas were discussed on other items that could be completed in-house to reduce cost to the MCMUA. Addressing this area is important for good presentation to the residents of Morris County that take advantage of these free quality materials.

RECYCLING REPORT:

Ms. Sweedy reported the following:

The March 2020 confirmed rate for single-stream was -\$87.57 per ton and the preliminary rate for April is -\$72.38. This represents an improvement of \$15.19 per ton for the month. Much of the price improvement was generated by a shortage in cardboard through the USA due to Covid19 business closures, therefore a large decrease in supply of corrugated. Mills substituted the use of mixed paper in their feedstock also improving the pricing. Additionally, there was not supply to meet unexpected the high demand for paper products caused by the emergency. This all resulted in significant increases in paper pricing. On the other hand, these increases, were softened by weak demand for bottles and cans as many domestic buyers have been closed during the pandemic. The premiums paid for paper supply are likely to continue through May with weakening expected in June as demand decreases.

Republic Services had Covid19 related staffing issues at the beginning of April but those have been largely resolved. Staff continues to operate at a distance participating in virtual meetings as we work from home using phones and email more and more. We have been working with NJDEP to secure some Covid19 related extensions and relief on requirements for coordinators, especially related to the tonnage grant. We’ve been seeking flexibility from NJDEP since so many of the coordinators are working from home and don’t have access to all the resources they need to fulfill all their usual requirements.

Ms. Sweedy asked for the Board’s consideration of Resolution #20-34 regarding the renewal of the Washington Township recycling transportation contract.

RESOLUTION NO. 20-34

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR TRANSPORTING AND MARKETING RECYCLABLE MATERIALS **(Township of Washington)**

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, pursuant to the Act, the Township of Washington has adopted and enforces a mandatory source separation ordinance for Recyclable Materials; and

WHEREAS, the Morris County Municipal Utilities Authority (“MCMUA”) desires to assist municipalities in meeting their recycling goals pursuant to the Act by providing transportation services and providing markets for disposition of Recyclable Materials; and

WHEREAS, pursuant to the Municipal and County Utilities Authorities Law N.J.S.A. 40:14B-1 et seq. and N.J.S.A. 40:14B-20(14), the MCMUA may enter into contracts with municipalities for the provision of recycling services; and

WHEREAS, the MCMUA is authorized pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., to enter into a contract with any other local unit

for the provision of any service which that local unit is empowered to render within its own jurisdiction; 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 and the Township of Washington desires to execute a new one (1) year agreement for Transportation and Marketing of Recyclable Materials commencing on July 1, 2020 and ending on June 30, 2021.

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 entitled "Agreement for Transporting and Marketing Recyclable Materials between the Morris County Municipal Utilities Authority and Washington Township commencing on or about July 1, 2020." See attached Exhibit 1.
2. This contract is awarded without competitive bidding pursuant to 40A:11-5(2) of the Local Public Contracts Law.
3. The Authority's staff and consultants are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
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 12, 2020.

MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

By: _____
Christopher Dour, Chairman

ATTEST:

Larry Gindoff, Executive Director

MOTION: Mr. Platt made a Motion that we adopt the Resolution #30-34 regarding the renewal of the recycling transportation contract with Washington Township and Mr. Druetzler seconded the Motion.

ROLL CALL: AYES: 8 (Mr. Nusbaum did not respond to the role call)
NAYES: NONE
ABSTENTIONS: NONE

Recycling Report

Tonnage and Value – The March 2020 ReCommunity/Republic statement was finalized in the amount of **(\$119,197.27)**. The per ton rate for single-stream was **(\$87.57)**, a difference of \$1.76 below the rate **(\$89.33)** paid in February 2020. The April statement and tonnages by material and municipality has not been received and/or compiled as of the writing of this report, but is expected to be available for the Board meeting and will be reported on at that time.

Covid-19 – Coronavirus

On 4/1/20, Steve Hasting of Republic Services contacted Larry Gindoff with regard to the staffing shortage due to COVID-19 at ReCommunity/Republic, Mine Hill. Steve was very concerned that the facility may not be able to operate and may stop taking recyclables collected from the MCMUA curbside recycling program. Staff reached out to Bayshore Recycling, Atlantic Coast Fibers, Colgate Paper Recycling and Waste Management (recycling division) to talk about an alternate plan to manage collected recyclables should ReCommunity/Republic have

to close due to COVID -19. In addition, Larry Gindoff reached out to NJDEP to let them know about the serious concerns that some material recovery facilities may have to close due to the virus. He asked if the NJDEP would grant temporary permission to landfill the collected recyclables. The NJDEP did not grant permission to do so. Although ReCommunity/Republic continued to struggle with staffing shortages, and had to work at a much slower pace, they continued to accept all of the recyclables from the MCMUA and other municipal partners with whom they have contracts, during the month of April. They also installed protective barriers to keep employees safe. During the last 10 workdays of the month, some employees returned to work and two temporary employees were hired. The facility is running at near normal speeds at this time.

On 4/16/20, Recycle Coach sent an email informing the MCMUA of their effort to help with the Covid-19 situation. They added materials to their app that have increased in use and disposal due to the virus: cleaning clothes, facial cleansing pads, facial tissues, Latex gloves, used napkins/paper towels, wipes, face masks, mop sheets and Personal Protective Equipment (PPE). Recycle Coach correctly informs residents to place all those items in the trash. Their instructions for the proper dispose of PPE are very thorough. Residents are told to put PPE into a plastic trash bag, tie the bag securely; and place it in their trash receptacle. It also provides a link to the World Health Organization's public advice.

On 4/21/20, staff worked with Larry Ragonese, Morris County Public Information officer, to prepare a press release with messages about the proper disposal of masks, gloves and other disposable personal protective gear being generated, due to Covid-19. The MCMUA curbside crew reported that residents are putting masks, gloves and wipes into recycling containers. An alert was posted on the MCMUA website's home page with information about the proper disposal of those items, and was forwarded to all municipal recycling coordinators for distribution.

On 4/22/20, staff was interviewed by Joyce Estey, News Director, from WRNJ Radio, regarding the problem with improperly discarded PPE (personal protective equipment), such as disposable gloves, masks and wipes. Staff explained that not only are these items littered on the ground, but also some residents are putting them into their curbside recycling containers. The interview was broadcast several times to remind everyone to put these items into the trash!

April - Due to the public health emergency, some MCMUA office staff members continue working from home, and some staff members rotate working in the office, and follow safety practices while at the office.

Curbside Contract Proposals & Resolutions

On 4/6/20, staff forwarded a shared service agreement to Washington Township for 2020-2021 for the mayor's signature. The agreement had been reviewed by counsel. The Township requested a one-year contract, which runs from July 1 to June 30. The MCMUA provides the collection of recyclables from the municipal recycling depot, servicing the roll-off containers only. No curbside service is provided. The agreement's price per pull increased 2% from \$153 to \$156. In addition, the Township will pay the cost per ton of recyclables, based on the monthly invoices from Republic Services. The signed agreement has been received and a resolution has been prepared and will be presented for consideration by the Board for approval at the May Board meeting.

On 4/14/20, staff sent a draft shared services agreement for service at the Roxbury Township recycling depot for attorney review. The current agreement expires at the end of 2020. Transportation costs to Iron Mt. Road increased 2% from \$78.50 to \$80.08.

On 4/16/20, staff sent a questionnaire to Mendham Borough asking for information so that a shared services agreement quote could be prepared for curbside collection of recyclables. Their current contract ends in December.

On 4/21/20, Carolynn Budd, Mendham Borough Recycling coordinator, replied that they would hold off completing the questionnaire as they are working on combining services and asked that staff follow up in a couple of months. Staff replied that the MUA only provides shared services

for recycling and asked to be notified if only haulers that do both recycling/trash services would be considered.

On 4/27/20, Mendham Borough released a legal notice in the Daily Record seeking bids for Solid Waste & Recyclable Material Collection & Disposal Service with a note stating, “stating, “**All bidders must bid on both options**”. Bid opening will be on June 30, 2020. Staff requested and received a copy of the bid. In addition, the bid requires that all residents receive recycling containers (carts) to be collected on a weekly basis, every Thursday.

On 4/29/20, staff emailed the Borough and requested additional information on the multifamily complexes and a copy of the current waste hauling contract so that a proposal for recycling curbside collection and collection of recyclables from the municipal depot could be prepared.

On 4/30/20, staff did not receive a reply from the Borough, but is reviewing the information currently on hand, in order to prepare a price quote for recycling collection services.

New Legislation: The Food Waste Recycling Act

Governor Murphy approved and signed the Food Waste Recycling Act (**A2371/S865**) as Law on April 14, 2020. An overview of main points follows:

- Large generators who are within 25 road miles of a food waste facility and generate 52 tons or more per year must recycle their food waste.
- The mandate takes effect 18 months after the bill is signed (October 2021).
- Exemptions from the mandate:
 - The large generator is not located within 25 road miles of a recycling facility
 - The recycling facility will not accept the food waste
 - The cost of transporting plus recycling tipping fee is at least 10% more than cost of transporting plus current disposal fee at a transfer station, landfill or incinerator
- Compliance with the mandate:
 - Food waste may be sent to an authorized food waste facility or
 - Be composted/digested on site or
 - Is recycled using an alternative authorized food waste recycling method (mixed with sludge at a wastewater treatment plant, used as animal feed, or other reuse/recycling as approved by the NJDEP)

Miscellaneous Presentations/Meetings/Conference Calls/Training/Correspondence

On 4/1/20, staff coordinated with Michael Smith, Florham Park Borough municipal recycling coordinator; and Glenn LaMattina, NRIA (National Realty Investment Advisors, LLC) to start curbside collection at The Afton at Morris Condos, on Hanover Road in Florham Park. Staff will meet with Mr. Smith in the near future to review the number of dwellings now being added to the municipal contract for curbside recycling services.

On 4/1/20, staff spoke with Officer Strata, who called to inform the MCMUA that due to Covid-19, the S.L.A.P. program was temporarily canceled. The M.O.R.E. (Morris office recycling excels) program, provides the collection of recyclables from county departments in various locations. As a result, the M.O.R.E. Run collection route will not be conducted. The county departments whose recyclables are collected via this service were contacted. The departments were given two locations to take their recyclables: one located at Mennen Arena and the other located at the Hanover Garage. They were also reminded to empty the recyclables out of the clear plastic bags into the dumpsters and to throw the empty plastic bags into the trash. This, because S.L.A.P. typically uses a box truck for collection and all recyclables are bagged in clear plastic bags (some paper in packed into cardboard boxes, also to be recycled). Officer Strata will contact the MCMUA when they will be able to resume the M.O.R.E. collection route.

On 4/21/20, the NJDEP sent a letter via email with regard to the 2019 Municipal Tonnage Grant reports, announcing that due to the impact of Covid-19, has extended the April 30, deadline to July 1, 2020 (statutory deadline). All MTG applications and tonnage report resubmissions are due by that date. Failure to comply with the deadline will disqualify a town from receiving a grant. The notification came after many requests from County Recycling Coordinators and ANJR. Municipal recycling coordinators have sustained many setbacks and need the additional

time to gather data (tonnage) and prepare their reports. Many are not working the office and some do not have access to a computer.

On 4/21/20, staff attended a webinar hosted by the National Recycling Coalition (NRC). The webinar was titled, Recycled Plastics Commodities Markets Update and provided an overview of post-consumer plastics recycling.

- In 2018, PET and HDPE continued to be the top selected resins to produce plastic bottles. By weight, 97.1% of plastic bottles produced came from them. These same two resins dominated plastic bottles collected for recycling. Together, PET and HDPE represented 98.9% of bottles collected and PP represented 1.1% collected.
- In 2017, there was approximately 1 billion pounds of plastic film available for reclaiming. It is estimated that 63% of the film was utilized. End uses: 47% lumber/decking, 35% film/sheet, 12% injection molding and 6% other.
- Materials Recovery for the Future (MRFF) is a program founded by the Foundation for Chemistry Research & Initiatives. The objective of this project is to increase recycling options for flexible packaging films in the near future. The following fund the project: multiple brand companies, APR, Canadian Plastics Industry Association and others not mentioned.
- J.P. Mascaro's Total Recycle facility in Berk's County, Pennsylvania was selected for the MRFF pilot program and they set up their MRF to separate film and flexible packaging from curbside single stream recyclables. This new post-consumer material stream is called rFlex. The pilot has been operating since September 2019. To read more about it visit: <https://www.wastetodaymagazine.com/article/totalrecycle-jp-mascaro-flexible-packaging/>
- APR works towards ensuring package designs fit with the recycling infrastructure.

On 4/23/20, staff attended a meeting via Zoom held by Sustainable Jersey for Schools, with regard to selection committee grant review process, for the 2020 grant funding for a variety of school projects. The grant is funded by PSEG Foundation. Staff must review and evaluate grant applications and must rate and provide appraisals by May 8.

4/29/20, staff participated in a Clean Communities Best Practices meeting via Zoom. The committee-discussed ideas about creating appropriate education (remotely) for grades 3 through 6 that would not only review litter abatement education, but would also meet core curriculum standards for various grade levels. Making the presentations interesting and informative is vital. A companion guide would be developed and provided for teachers that would include vocabulary words and a list of 10 questions for students to answer after viewing the presentations. The questions would give students a second opportunity to review the subject matter (and absorb it) and would give teachers a prepared lesson strategy.

On 4/30/20, staff was one of two speakers on the webinar titled, "Single-Use Plastics Impact on Habitat & Waterways," that was hosted by ANJEC (Association of NJ Environmental Commissions). The webinar was also approved for re-certification credits for certified Clean Communities coordinators. The webinar was very well received, and well attended by both Environmental Commission members and Clean Communities coordinators. Attendees had great questions at the conclusion of the session. Staff discussed the possibility of holding future webinars and/or meetings for municipal recycling and Clean Communities coordinators, in addition to in-person attendance of meetings.

On 4/23/20, staff attended an EPA webinar entitled "Sustainable Materials Management (SMM) Prioritization Tools: Sustainability Insights at a Glance". The host was Patricia Halloran and speaker was Jerrod Bridge both of the EPA. This webinar introduced the EPA's SMM Prioritization Tools (charts and graphs) and showed where they will be on the website. These life cycle-based tools will offer a starting place for governments, trade associations, NGOs, companies, small enterprises, and other organizations to establish priorities for environmental improvement, focus their financial and human resources where action could offer greater benefit, and consider key industries for collaboration. Information was compiled from Federal government websites. Website tools will not be available until mid-May.

On 4/28/20, staff attended the ANJR Board meeting remotely (via Zoom).

- Due to the pandemic, the Annual Meeting was re-scheduled for June 5, but will probably be cancelled.
 - Chris Vidal has been appointed ANJR Recording Secretary.
 - There will be a fundraising challenge this year because of social distancing.
 - The Bylaws will have to be revised to allow for Zoom meetings. ANJR purchased an upgraded Zoom package and can have webinars, polling, surveys, etc.
 - Treasurer reported that for January-March there is a positive net income of \$11,000 compared to last year's \$6,000.
 - Marie Kruzan, ANJR Executive Director, applied for the PPP grant (Payroll Protection Program), but was not able to get it in on time. She will reapply.
 - Golf outing and 5K (fundraisers) may be cancelled at a later date.
 - Legislature Committee reported that the Food Waste bill was signed and will go into effect in October.
 - During the past month, Marie Kruzan worked to get the NJDEP to extend the Tonnage Grant reporting period.
 - Dom D'Altilio is working with Erin Jensen to get approval for a virtual tour of a Class A facility for MRCs who cannot visit in person.
- Market Committee reports that MRFs are very busy with residential fiber and prices are going through roof. Commercial volume has dropped off. Corrugated is up to \$150. Single-stream costs for plastics/metals are offset by fiber.

Cancellations Due TO Covid-19:

Clean Communities

Educational Programs: Several Clean Communities educational programs in April were canceled.

Road Clean-ups: There were no road cleanups (litter removal) during the month of April due to COVID-19.

4/1/20, staff planned to set up an Earth Day Display at the Morris County Library, in honor of the 50th Anniversary of Earth Day. The display was scheduled to be in place for the entire month of April. This year the three part display was going to offer, a segment about recycling mandated materials; a segment about household hazardous waste (including a display on how to prepare latex paint for disposal in the trash); and the third segment celebrating the 50th anniversary of Earth Day with earth friendly suggestions on how to care for Planet Earth! Staff hopes to set up the display whenever the library has availability for the display.

4/8/20, staff planned to attend the 2020 NJ Sustainability Summit in Holmdel – canceled.

4/10/20, the applications for the Morris County Clean Communities “Keep Morris County Litter Free” Grant for schools will be extended to October, since schools are closed and are unable to conduct litter cleanups of school property. In addition, the second project, the poster contest will also be moved with a new due date in the fall. This will allow schools to participate in both projects when schools reopen. Last year 22 schools participated in the litter cleanups!

4/13/20, staff planned to attend a meeting with Roxbury Board of Education maintenance staff – canceled.

4/16/20, staff planned to attend and set-up outreach materials at the 2020 Eco-Fest, hosted by the Academy of Environmental Science, at the Jefferson High School. The event was canceled. Students created a report version of the projects and shared the projects and photos via email.

4/17/20, staff planned to hold the cleanup of the trail adjacent to the MUA wellfield property on Righter Road in Randolph, together with Shealynn O'Toole, AmeriCorps Watershed Ambassador, from WMA 8 (Raritan Headwaters). The area to be cleaned also includes the Lamington Brook, which was cleaned last year. Unfortunately, the cleanup was canceled. Staff hopes to re-schedule in the fall.

On 4/21/20, staff planned to provide an educational recycling presentation at The Oaks, a senior living facility in Denville Township. Unfortunately, the presentation was canceled.

4/21/20, ANJR Board meeting (rescheduled via Zoom on 4/28/20).

PUBLIC PORTION:

The meeting/phone call was opened to the public for comment. Mr. Dour inquired if there were any members of the public on the conference call and there were none. There being no comment from the Public, this portion of the meeting was closed.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business

ADJOURNMENT

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

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

Larry Gindoff, Executive Director

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