

## MINUTES OF REGULAR MEETING

AUGUST 11, 2020

The Regular Meeting of the Morris County Municipal Utilities Authority was held on August 11, 2020 at 7:00 p.m. Due to the Covid-19 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. Frank Druetzler, Mr. Gene Feyl, Mr. William Hudzik, Dr. Arthur Nusbaum, Mr. Fletcher Platt, Ms. Laura Szwak and Mr. Christopher Dour

ABSENT: Mr. James Barry and Dr. Dorothea Kominos.

Also present were Larry Gindoff, Executive Director; Marilyn Regner, Secretary, Michael McAloon, P.E., Suburban Consulting Engineers; Tom Lemanowicz, P.E., Alaimo Engineering; Larry Kaletcher, Treasurer; Brad Carney, Esq., Maraziti Falcon LLP; James Deacon, Solid Waste Coordinator; Liz Sweedy, District Recycling Coordinator; Tayfun Selen, Freeholder-liaison; and Man Lee, Nisivoccia LLP.

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

MOTION: Mr. Szwak made a Motion to approve the Minutes and the Closed Session Minutes of the Regular Meeting of July 7, 2020 and Mr. Hudzik seconded the Motion.

ROLL CALL: AYES: 7      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 July 2020. Also included are the Comparative Balance Reports for both the Solid Waste and Water Divisions year-to-date through the month of July 2020. The investment report shows no new investments purchased in the month of July 2020. These reports have been incorporated in these Minutes.

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

MOTION: Mr. Platt made a Motion to accept the Treasurer's Report and Mr. Druetzler seconded the Motion.

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

Mr. Kaletcher welcomed Man Lee from Nisivoccia LLP and thanked her for joining us tonight. She is here to discuss the 2019 MCMUA Audit.

Ms. Man Lee reported for the 2019 year, the Authority ended its year with a \$37,269,000 net position. Of the \$37,269,000, approximately \$31,096,000 is investment in capital assets and \$6,173,000 is unrestricted fund balance, which is approximately a \$3.6M increase from previous year. She noted that the \$6.1M in unrestricted net position, includes the pension liability and related deferred inflows and outflows. This number is calculated by the Division of Pension. They hire an actuary and the number fluctuates from year-to-year. There are so many factors that goes into the calculation such as salaries, health benefits, investment rate of returns and the census of the population. Also, the unrestricted net position at the end of the year also includes the OPEB liability or the post-employment liability, other than pensions, which is \$33.3M. This number is also calculated by an actuary that is hired by the County, because the County does offer post-employment benefits to its employees. Overall, the Authority had a very good year financially. The unrestricted net position increased \$3.6M and you factor out the pension and the OPEB liability, the fund balance actually went up \$4.7 million dollars.

Mr. Feyl commented, in reading the audit, everybody always looks to the last page to see the recommendations carried forth from last year and those that are new this year, and miraculously there are none. This reflects Larry, Larry and all of your staff the meticulousness with which you keep our records and maintain the records of the Authority. He congratulated them on keeping these numbers as straight as they do and maintaining the integrity and meticulousness of the accounting of the Authority.

Mr. Gindoff thanked Mr. Feyl and expressed his appreciation. He mentioned that a lot of hard work goes into it. Larry runs a tight ship and we work hard at that. Part of that is reflected in the many resolutions we have to pass as you see tonight, but we want to make sure everyone is kept on board and the Board is approving everything we do and we do everything correctly. Ms. Man Lee mentioned that she wholeheartedly agrees. Larry, Larry and their staff do a wonderful job. They make our life easy whenever we come in for the audit and want to take a moment to thank both of them and their staff for being such a big help during the audit to us, especially this year when things have been a little bit crazy. Larry Kaletcher thanked Man Lee for her patience.

Mr. Druetzler congratulated Larry and Larry. He mentioned that this is an excellent report and an excellent outcome. He thanked them for keeping us solvent and still progressive. Mr. Kaletcher thanked Frank and mentioned that he wouldn't be able to do it without his staff.

Chairman Dour asked for a Motion for the acceptance of the 2019 MCMUA Audit.

**MOTION:** Mr. Feyl made a Motion to accept the 2019 MCMUA Audit and Dr. Nusbaum seconded the Motion.

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

(Ms. Man Lee left the meeting.)

Mr. Kaletcher mentioned that our current contract with our electricity provider, Freepoint Energy Solutions, will be ending in a few months. We would like to utilize EMEX (Energy Market Exchange) to conduct a reverse online auction on our behalf. This online platform brings suppliers together to bid on our business, preliminary indicative pricing is showing an approximate \$16,000 per year savings compared to what we are currently paying.

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

**RESOLUTION NO. 20-49**  
**RESOLUTION AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE REVERSE AUCTION WEBSITE**

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c.30) authorizes the purchase of energy generation service for public use through the use of an online auction service; and

**WHEREAS**, EMEX, LLC, having a business address of 11011 Richmond Avenue, Suite 500, Houston, Texas has proposed to conduct online reverse auction for the procurement of electric generation for the Morris County Municipal Utilities Authority (the “Authority”); and

**WHEREAS**, on November 9, 2011, EMEX, LLC was approved by the State of New Jersey, Department of Community Affairs, as a vendor to offer an online reverse auction platform for the purchase of energy generation services by local contracting units in New Jersey, as was issued waiver number EMEX LLC-1; and

**WHEREAS**, there is no fee charged to the Authority by EMEX, LLC for the services associated with the reverse auction; and

**WHEREAS**, EMEX, LLC is paid by the successful bidder for electricity generation services.

**NOW, THEREFORE, BE IT RESOLVED** by the Morris County Municipal Utilities Authority, in the County of Morris, State of New Jersey, on this 11th day August, 2020 as follows:

1. The Authority authorizes EMEX, LLC to conduct an online reverse auction for multiple terms, not to exceed two years, at no cost to the Authority, for procurement of energy generation services provided that said auction is in accordance with the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c.30), the Local Public Contracts Law, N.J.S.A. 40A:11-1, and the form of energy generation services contract that is the subject of the online reverse auction bid is approved by the Authority’s staff and counsel.
2. Provided that the aforementioned conditions of Paragraph 1 of this Resolution are satisfied, the Executive Director and/or, in the alternative, the Treasurer, are authorized to execute a contract with the lowest responsible bidder, not to exceed a term of two years, that results from the aforementioned online reverse auction for the purchase of energy generation services, but only provided that the price from the lowest responsible bidder is lower than the costs that would otherwise be incurred by the Authority from Jersey Central Power & Light (JCP&L) during the term of the contract.
3. This Resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Platt made a Motion to Authorize EMEX, LLC to conduct an online reverse auction for multiple terms, not to exceed two years, at no cost to the Authority, for procurement of energy generation services and Ms. Szwak seconded the Motion.

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

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

**BILL RESOLUTION NO. 20-50**

**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. 20-50 containing 7 pages for a total of \$3,794,055.39 dated and made a part hereof by reference.

**SUMMARY**

**CHECK NUMBERS**

WATER OPERATING FUNDS	5135-5175	\$	347,076.39
SOLID WASTE OPERATING	11276-11384	\$	<u>3,446,979.00</u>
		<b>\$</b>	<b>3,794,055.39</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: August 11, 2020

BOARD CHAIRMAN APPROVAL

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

SIGNED: \_\_\_\_\_  
Marilyn Regner, Secretary

**TREASURER'S CERTIFICATION**

I hereby certify that there are sufficient funds in the appropriations charged, or accounts listed to cover the expenditures included in the SCHEDULE OF WARRANTS dated: August 11, 2020.

DATE: August 11, 2020

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

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

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

**CORRESPONDENCE:**

Mr. Gindoff mentioned that the Correspondence report was sent out with the pre-meeting packet. Most of them were related to the Mascaro contract or the Change Orders that we are approving tonight. As an additional correspondence, we got a recommendation on the Nolan's Ridge Vacuum Project from Suburban Consulting Engineers. This is also subject to a resolution under consideration tonight.

Chairman Dour asked for an explanation on the letter regarding extending the start date for the contract. Mr. Gindoff replied that it is really not the start date for the contract, but the Notice To Proceed. He mentioned that part of our discussion with Mascaro in the execution of the contract for the five year Transfer Station Contract, that due to some of the supply chain issues they are dealing with currently related to the COVID Emergency, they are having some issues in getting all the equipment that they need to assemble to begin this contract. They priced their contract based on having all this equipment in place. They requested that we issue the Notice To Proceed based on when it is a realistic time frame based on the emergency currently with COVID that we anticipate all this equipment being in place, which would be December 15, 2020. In the meantime, we are operating under the Emergency Contract that we entered into due to the COVID Emergency, which has determined pricing based on the same price we would be paying for the five-year contract.

Mr. Feyl asked if that opens us to any legal issues or any liabilities for us? Mr. Carney replied the Notice To Proceed in the contract has a commencement date, so it is the commencement date in the Notice To Proceed that Larry is talking about. We have written correspondence from Mascaro explaining the COVID-19 issues. There are issues in the supply chain as Larry has provided and we are acting under our Emergency Contract because of the COVID-19 Emergency. He mentioned that we have done the best we can in light of the pandemic.

Ms. Szwak questioned the contract end date. When it is time for the contract to be over in five years, it won't be renewed in December, it will be renewed in the July. Mr. Carney replied that the five-year term will commence upon the commencement date of the Notice To Proceed. The Emergency Contract will stay in place to that effect. The contract will commence in December. Mr. Gindoff added that it works out very well for us. If you recall the terms of the contract, we have flat pricing for five straight years. Mr. Carney mentioned that the bid price is based on the efficiencies of the new equipment, so it would not be providing a level playing field if you shortened that by six months.

Letter dated July 14, 2020 to Larry Gindoff from Thomas R. Lemanowicz, P.E., Richard A. Alaimo Engineering Associates, regarding receipt of Change Order #3 from Persistent Construction Company for the tipping floor replacement project at the Parsippany-Troy Hills Transfer Station.

Letter dated July 23, 2020 from Pasquale N. Mascaro, J.P. Mascaro & Sons to Larry Gindoff regarding impact of COVID-19 pandemic on new equipment purchases necessary to perform recently awarded five-year MCMUA Contract.

Letter dated July 27, 2020 from William F. Fox, Jr., J.P. Mascaro & Sons to Larry Gindoff regarding Binder Containing Executed Contract and Contract-related Documents.

Letter dated August 5, 2020 to Pasquale Mascaro, J.P. Mascaro & Sons from Marilyn Regner forwarding fully executed copy of Solid Waste Transfer Station Contract.

**ENGINEER'S REPORT:**

Mr. McAloon reported the following: (1) Larry started the meeting off by commending Tony and everything he has done. The storm took out all the power in Randolph and all the stations and Tony

was able to keep everything moving with emergency generators and running the stations without SCADA.; (2) General System Water Sales – In my report, I reported that we have sold 200MG for the month, but that is actually the total amount of water diverted from our wells, so that needs to be corrected to show that we sold 200MG last month. This is the largest month ever since we have been keeping track of water sales dating back to 1992. Our previous highest usage was in August of 2015. A lot of things contributed to that. This was biggest water sale month ever.

Mr. Druetzler asked what was the previous record number and Mr. McAloon replied 184.1MG in August of 2015.

(3) Mr. McAloon mentioned that he needed to correct item b for Jefferson Water Usage, the last line, “we will continue to provide regular feedback on water consumption to assist in the leak detection efforts”. Jefferson is in the process of conducting leak detection and repair of mains as they discover them and we are providing regular feedback on that progress.; (4) We are proceeding with the design improvements at the Pole Barn, which includes a new structure to protect the existing backhoe, as well as some other equipment that Tony has at Well 7, and make improvements to the Maintenance Garage, which includes a new roof, upgrade of lighting system, replacement of the windows and installation of a new trench drain.; (5) We have completed a survey from DEP with regard to Water Supply Demand and Conservation. This was a voluntary survey and we believe it is trying to gain an understanding of the COVID-19 impacts.; (6) We opened quotations on Thursday, August 6, 2020 for the Nolan’s Ridge project. We only had one bidder, Hutton Construction from Cedar Grove in the total amount of \$31,273.00.

Mr. McAloon asked for the Board’s approval of the following Resolution:

**RESOLUTION NO. 20-54**  
**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR NOLAN’S RIDGE**  
**VACUUM/AIR RELIEF VALVE PROJECT TO HUTTON CONSTRUCTION**

**WHEREAS**, the Morris County Municipal Utilities Authority (MCMUA) solicited competitive quotations for the Nolan’s Ridge Vacuum/Air Relief Valve Project; and

**WHEREAS**, the following quotations were received:

Hutton Construction  
 41 Village Park Road  
 Cedar Grove, NJ 07009

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
Furnish and Install Combination Vacuum and Air Relief Valve, Chamber, and all necessary accessories, appurtenances, and restoration complete in place	LS	1	\$ <u>30,043.00</u>	\$ <u>30,043.00</u>
Uniformed Traffic Safety Officers (Allowance)	MH	16	\$ <u>105.00</u>	\$ <u>1680.00</u>
<b>TOTAL PRICE \$ <u>31,723.00</u></b>				

**WHEREAS**, the proposal of Hutton Construction being the lowest responsible vendor was reviewed and evaluated by the Authority staff to determine compliance with the Nolan’s Ridge Vacuum/Air Relief Valve Project requirements: and

**WHEREAS**, the MCMUA desires to award the contract through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4, et seq. for the Nolan’s Ridge Vacuum/Air Relief Valve Project to Hutton Construction having a business address of 41 Village Park Rd. Cedar Grove, NJ 07009 and

**WHEREAS**, in lieu of a separate certification of funds, the maximum dollar value of this contract is \$31,723.00 as per N.J.A.C. 5:30-5.4 (a) 3; and

**WHEREAS**, the funding for this contract shall come from account #02-6-300-800-019.

**NOW THEREFORE, BE IT RESOLVED** by the Morris County Municipal Utilities Authority, in the County of Morris, State of New Jersey, as follows:

1. Hutton Construction, having a business address of 41 Village Park Rd. Cedar Grove, NJ 07009 is determined to have submitted the lowest responsible quote considered for the Nolan's Ridge Vacuum/Air Relief Valve Project contract:

Vendor Name: Hutton Construction  
41 Village Park Rd.  
Cedar Grove, NJ 07009

Estimated Cost of Service: Not to exceed the sum of \$31,723.00 as the price submitted in the 2020 Quote received on August 6, 2020 on file at the offices of the Authority

Term: As outlined in Notice to Proceed

Account Number: 02-6-300-800-019

2. The Executive Director is authorized and directed to execute a contract with Hutton Construction for Nolan's Ridge Vacuum/Air Relief Valve Project in a form approved by the Authority's attorney, based on the 2020 Quote received by the Authority on August 6, 2020, available in the offices of the Authority, and incorporated by reference and made part hereof, for a term as outlined in the notice to proceed.
3. The Contract is awarded subject to the submission of all insurance certificates required by the Contract, in a form acceptable to the Risk Manager of Morris County, and all other documentation required by the Contract, and shall commence upon the execution of a written Contract by both parties.
4. 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.
5. 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 Tuesday August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Druetzler made a Motion to authorize the Award of Contract For Nolan's Ridge Vacuum/Air Relief Valve Project To Hutton Construction in an amount not to exceed \$31,723.00 and Mr. Hudzik seconded the Motion.

Mr. Feyl asked if we know this vendor or done business with them before? Mr. McAloon replied he does not believe that Hutton Construction has done any work for the MCMUA. They did a previous project for Southeast Morris County MUA, where Southeast was the design engineer in 2017 and the project went well. They are more than capable of handling a job of this size.

Mr. Feyl mentioned after awarding Persistent the contract for the tipping floor, he is concerned about checking the credentials of our vendors, particularly if we had no experience with them.

Mr. McAloon replied that they are more than capable of handling this work. However, we will triple check references, but we have worked with them in the past. Mr. Platt commented that Hutton Construction has been around a long time and he has worked with them in the past.

Mr. Gindoff appreciated Mr. Feyl's comment.

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

(7) On the evening of Monday, July 20, 2020, MCMUA personnel observed a leak in the vicinity of 874 Route 46 in Roxbury. He is pleased to report that the leak was not on the 24" transmission main or 12" distribution main, but instead on the ¾" copper service to 874 Route 46. The construction was completed in an expeditious manner and service was restored in that line in accordance with our specifications and the water supply agreement with Roxbury. We will be requesting reimbursement for these efforts from Roxbury and they are awaiting the bill. He also reported another water main leak in the vicinity of Pub 199 in Mt. Arlington. Today John Garcia Construction also completed the repair of that project. It required replacement of the existing 6" hydrant valve. In accordance with our potable water system regulations, the MCMUA will seek reimbursement for the cost incurred from Mt. Arlington, being that the leak was under their jurisdiction.

Chairman Dour asked Mr. McAloon if this was the same issue that we had before, and Mr. McAloon replied, yes. Back in August 2019, J. Fletcher Creamer completed repair on this valve. At the time, they just removed the bonnet bolts one by one to get to the one that made the leak and we got about a year out of it and it required full replacement.

(8) John Garcia - Howard Boulevard Project in conjunction with the Water Storage Tank Rehab - They did complete the installation of the 12" water main, as well as the wet tap on Howard Boulevard in preparation for the County repaving of Howard Boulevard. Unfortunately, there was a few unforeseen conditions that were encountered. A large amount of ledge rock almost prevented the contractor from installing the water main in accordance with the original alignment. As part of the County's permit, they requested the use of flowable fill and additional base course in preparation for the repaving project which is about to get underway.

Mr. Carney mentioned that he wants to make an amendment to the Resolution No. 20-53. That Change Order No. 1 does not include any reference to a time extension, including whether or not it is a zero day time extension. He would like to make the Executive Director's execution of that Change Order subject to an amendment to the Change Order that describes a zero day time extension in both in the Change Order and in the release language.

Subject to the zero day time extension in the release language and the Change Order, Mr. McAloon asked for the Board's approval of the following Resolution as amended:

**RESOLUTION NO. 20-53  
RESOLUTION AUTHORIZING CHANGE ORDER NO. 1  
TO CONTRACT NO. 28CR-20  
HOWARD BOULEVARD WATER MAIN INSTALLATION**

**WHEREAS**, on May 12, 2020, the Morris County Municipal Utilities Authority ("MCMUA") awarded the Howard Boulevard Water Main Installation, Contract No. 28CR-20,

to John Garcia Construction Co., Inc., 183 Friar Lane, Clifton, NJ 07013 in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Change Order No. 1 was prepared in the amount of \$12,394.02 for additional rock excavation and 12” offset; 18.4 tons of HMA base course installation; 29.64 cubic yards of additional flowable fill.; 23.8819 additional hours for the police traffic director; and the change order includes a credit for reduction in quantity of six linear feet for furnishing and installing 12” diameter water main and a ten cubic yard reduction in the excavation of a test pit; and

**WHEREAS**, it is recommended by Suburban Consulting Engineers, Inc. that the cost of these changes in the amount of \$12,394.02 be approved together with a non-compensable zero (0) day time extension; and

**WHEREAS**, Change Order No. 1 was prepared to effectuate the above purpose; and

**WHEREAS**, the MCMUA Treasurer has certified that sufficient funds are available in the Capital Improvement Fund, account number 02-6-300-800-015; and

**WHEREAS**, the MCMUA is satisfied that proposed Change Order No. 1 is justified and satisfies the requirements of N.J.A.C. 5:30-11 et seq.

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

1. The Executive Director is authorized to execute Change Order No. 1 in substantially the form attached hereto.
2. The Authority’s Executive Director, together with all appropriate staff and consultants of the Authority, are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution and Change Order No. 1.
3. 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 August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Hudzik made a Motion to adopt Resolution No. 20-53 as amended and Mr. Feyl seconded the Motion.

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

(9) With regard to Markewicz, hats off to Tony, we are in the process of terminating the 2400V incoming electrical service and transferring to a new 480V service. In the midst of the last pump replacement, we had that substantial power failure. The Contractor had all the necessary equipment on site to provide the temporary power as we switched from the old generator to the new generator, which will be on site this week. Tony was able to keep things moving. Good news is pump start-up for that last pump occurred today. They are in the process of making the final adjustments and modifications. It appears that substantial completion will be achieved in accordance with the Contractor’s latest revised schedule.

Ms. Szwak asked under the Emergency Contractor’s section, it talked about a payment to John Garcia in the amount of \$7,175.00. She is trying to understand this emergency relationship. They bid to be our emergency contractor for \$18,000. Is that \$7,000 subtracted from that \$18,000 or is that in addition to? Mr. McAloon explained that we have that \$18,000 line item which we will apply this value against. As these leaks occur, we will apply the total cost against that \$18,000 line item. Based on the two leaks we experienced so far, we are entitled to reimbursement from the municipalities that operate the system, so we will make sure everything is accounted for. Mr. Platt commented that the \$18,000 is only an estimate of the work that is required, it could be more or it could be less.

Mr. Gindoff mentioned that we also had two resolutions related to some issues we raised in the Water Committee Meeting regarding some policy resolutions that we had Brad Carney draft. Mr. Gindoff introduced Resolution No. 20-51. We discussed this with the Board in closed session and we just decided to go on record that we officially would like to terminate that Section III of that portion of the Water Supply Agreement, where take water from Clyde Potts and in essence sell it to New Jersey American at a loss. Mr. Gindoff asked for the Board’s approval of the following Resolution:

**RESOLUTION NO. 20-51**

**RESOLUTION MEMORIALIZING SATISFACTION OF THE CONDITION TERMINATING THE NEW JERSEY AMERICAN WATER SUPPLY AGREEMENT ON JANUARY 6, 2022 AND TERMINATING ARTICLE III OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY WATER SUPPLY AGREEMENT ON THE SAME DATE**

**WHEREAS**, the Morris County Municipal Utilities Authority (the “Authority”) is a bulk water supplier servicing New Jersey American Water Company (“NJAW”) pursuant to a Water Supply Agreement dated January 6, 2012 (the “NJAW Water Supply Agreement”); and

**WHEREAS**, the NJAW Water Supply Agreement has an initial term of ten (10) years and the initial term would have automatically extended for an additional five (5) years if neither party gave notice of termination within two (2) years of the end of the initial term; and

**WHEREAS**, the Authority provided such notice of termination to NJAW (the “NJAW Notice of Termination”) pursuant to its Notice dated May 11, 2018 to terminate the NJAW Water Supply Agreement on January 6, 2022 conditioned upon an amendment to the water supply agreement by and between the Authority and Southeast Morris County Municipal Utilities Authority (“SMCMUA”) dated September 10, 2002 (as amended on June 1, 2012) that would authorize the expiration on January 6, 2022 of all obligations set forth in Article III of the water supply agreement by and between the Authority and SMCMUA (the “SMCMUA Water Supply Agreement”); and

**WHEREAS**, Article III of the SMCMUA Water Supply Agreement provides in the relevant part that the Authority take or pay for 600,000 gallons per day of water delivered by SMCMUA to the Authority at the Clyde Potts Reservoir Facility; and

**WHEREAS**, pursuant to the NJAW Water Supply Agreement, NJAW shall take or pay for 220 million gallons of water each year from the water that the Authority obtains from its purchase of water delivered by SMCMUA to the Authority at the Clyde Potts Reservoir Facility; and

**WHEREAS**, the NJAW Notice of Termination explained that the existing Authority booster pump station, located to the west of Woodland Road directly in front of the SMCMUA Clyde Potts Reservoir and water treatment facility, was designed as a temporary solution and does not provide adequate redundancy nor operating capacity to continually meet the minimum purchase obligation; and

**WHEREAS**, the NJAW Notice of Termination explained that this booster pump station contains a below grade structure that prohibits effective maintenance and the Authority has documented that whenever the SMCMUA Clyde Potts Water Treatment Facility enters a backwash cycle and reduces flow or when the plant is not operating at capacity, the Authority’s pump is unable to overcome the reduction in suction head which results in an inability to move the minimum purchase obligation flow rate with SMCMUA; and

**WHEREAS**, the NJAW Notice of Termination explained that another concern is water potential impacts associated with blending Authority's ground water with SMCMUA's surface water; and

**WHEREAS**, the NJAW Notice of Termination explained that the annual water rates established by SMCMUA for the Authority's purchase of water at Clyde Potts Reservoir Facility are higher than the annual increase in water rates established by the Authority for the sale of said water to NJAW, resulting in a continual financial loss to the Authority; and

**WHEREAS**, SMCMUA advised in writing on April 18, 2019 that the SMCMUA does not object to the expiration of Article III of the SMCMUA Water Supply Agreement on January 6, 2022 and therefore the condition set forth by the Authority in NJAW's Notice of Termination is satisfied.

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

1. Article III of the SMCMUA Water Supply Agreement shall terminate on January 6, 2022.
2. The condition set forth in the Authority's May 11, 2018 NJAW Notice to Terminate is satisfied and therefore the NJAW Water Supply Agreement shall expire on January 6, 2022.
3. A copy of this Resolution shall be provided to NJAW and SMCMUA.
4. This Resolution does not prohibit ongoing negotiations by and between the Authority and NJAW for a potential new contract by and between the Authority and NJAW.
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 August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Platt made a Motion to adopt Resolution Memorializing Satisfaction Of The Condition Terminating The New Jersey American Water Supply Agreement on January 6, 2022 And Terminating Article III Of The Southeast Morris County Municipal Utilities Authority Water Supply Agreement On The Same Date and Mr. Druetzler seconded the Motion.

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

Regarding Resolution No. 20-52 that is on the Agenda this evening, Mr. Gindoff mentioned that some of the Water Committee members would like this resolution tabled.

Mr. Druetzler asked that this Resolution be tabled so that the Water Committee can discuss it, as he has some questions on the Resolution. Mr. Platt agreed with tabling the Resolution. Mr. Gindoff also agrees with tabling the Resolution after hearing our discussion on it.

Mr. Carney, Esq. recommended that you have a Motion that tables Resolution No. 20-52.

MOTION: Mr. Druetzler made a Motion to table Resolution No. 20-52 and Mr. Platt seconded the Motion.

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

Chairman Dour mentioned that Marilyn needs original signatures for the annual Audit. She will be reaching out to the Board members within the next week or so to coordinate this.

## **PROJECT STATUS**

### *1. General System*

- A. Through July 2020, MCMUA sold approximately 1,010.782 MG to date. This total volume of water sold to date is above the total sold for the same period in 2019 (862.141 MG) and the volume sold in 2018 (912.391 MG) respectively. The total water sales for the month were 204.351 MG, which established a new peak month for the system. We are in the process of confirming abnormalities during the past month, such as the Jefferson and SMCMUA water usage as well as the Roxbury Township main break and will notify NJDEP of these conditions to obtain relief from this peak.
- B. **Jefferson Water Usage** – Jefferson has continued to exceed the monthly contractual amount of 14.88 MGM. In efforts to reduce usage, they have continued to perform additional leak detection investigations and repairs on the breaks when located. It is our understanding, through the Jefferson Township news feed, a main break on Brady Road occurred on Monday August 3, 2020. We will continue to provide regular feedback on water consumption to assist in the lead detection efforts.
- C. SCE will commence on advancing the building design improvements for the Pole Barn at Well #7 and Maintenance Garage Repairs as planned for and budgeted to occur in 2020. SCE anticipates construction of the Maintenance Garage Repairs to occur in fall of 2020 with construction of the Pole Barn anticipated in spring 2021 due to the long lead time of the necessary permits.
- D. SCE completed a Water Supply Demand / Conservation voluntary Survey facilitated by NJDEP. While not explicitly identified, we believe it is to evaluate the water system supply impacts related to COVID-19 and the deviation for normal schedules. While the MCMUA water system usage exceeds volumes experienced in the past two years, there have been several anomalies which has resulted in these increased volumes. MCMUA's well levels have remained consistent even with the additional usage.

### *2. Nolan's Ridge Combination Vacuum / Air Relief Valve Project*

Submission of the Nolan's Ridge Combination Vacuum / Air Relief Vale Project Request for Quotation package is scheduled for Thursday August 6, 2020 at 11:00AM. This project

includes the installation of the combination vacuum / air relief valve for Nolan's Ridge in Mt. Arlington to eliminate the impacts associated with the operation of the Mt. Arlington Booster station and the instantaneous pressure drop which occurs upon pump shutdown. We will be prepared to present to the Board a recommendation of award for this project at the meeting. Construction commencement is anticipated to occur in fall 2020.

3. Water Division Emergency Contractor

**874 Route 46 Water Main Repair** – on the evening of Monday July 20, 2020 MCMUA personnel observed a leak within the vicinity of 874 Route 46 in Roxbury within proximity of the existing 12” distribution main and 24” transmission main. A site meeting was held with John Garcia Construction Inc. as Emergency Contractor, and it was confirmed the leak was originating from the existing 12” distribution main. It was determined efforts would begin on Tuesday July 21, 2020 in order to allow for appropriate notification to residents and the Township of Roxbury.

At approximately 8:00am on Tuesday July 21, 2020 MCMUA performed a Controlled Outage on the existing 12” main. Upon dewatering of the excavation and initial investigation, it was determined the leak was on the ¾” copper service to 874 Route 46. The existing water service corporation was closed and at approximately 10:10am the existing 12” main was charged and flushed from the hydrant upstream of the break and service was restored. John Garcia personnel complete the repair to the water service line, backfill, and site restoration.

**SUBURBAN CONSULTING ENGINEERS, INC. (SCE)** has reviewed the enclosed Payment Recommendation Associated with the leak work and recommends payment to **John Garcia Construction Co.** in the amount of \$7,175.00 for Water Leak at 874 Route 46. In accordance with the existing water supply agreement between MCMUA and Township of Roxbury, as well as the “Potable Water System Regulations, Specifications and Rate Schedule”, the cost of these repairs are the responsibility of the Township of Roxbury due to the break being located on the copper service to 874 Route 46. SCE has advised the Township of our position and they have acknowledged and confirmed the responsibility for financial reimbursement. We will formalize correspondence and request compensation.

4. Mt. Arlington Water Storage Tank Rehabilitation

**Contract A – Tank Isolation**

**John Garcia Construction** completed the installation of a portion of the watermain installation necessary to provide temporary water service for the Mt. Arlington tank rehabilitation project during the week of July 6, 2020. This watermain installation of this portion is critical due to the re-paving of Howard Blvd by the County.

Unfortunately, during excavation and watermain installation on the crossing of Howard Blvd. the Contractor encountered rock. In order to obtain the minimum cover on the watermain, a portion of this rock need to be removed, along with the utilization of additional fittings necessary to offset the alignment. Additionally, as part of the Morris County Road Opening Permit conditions, the County required the use of flowable fill (soil cement) as trench backfill and a total of 7” of asphalt base course. This was a deviation of the County standards and was not anticipated as part of this project. In order to complete the project close-out we are in the process of negotiating Change Order No. 1 with John Garcia Construction which also includes the reconciliation of un-used line items and the final costs associated with Police Traffic Directors. We will be prepared to present to the Board the final change order pricing for approval by Resolution.

John Garcia has submitted Payment Application #1 for this project in the amount of **\$60,941.89**. SCE has reviewed the work completed and recommends payment accordingly.

We have advised Morris County of the watermain completion and the ability to advance the Howard Blvd. repaving project.

SCE is finalizing the NJDEP Freshwater Wetlands General Permit #2 for the installation of the proposed valve chamber necessary for the tank isolation project.

5. Markewicz Pump Station Electrical Upgrades Construction

Operation of the second replacement pump has continued since the week of 7/13/2020 with no operational issues to date. The Contractor has completed the demolition of the remaining two (2) existing pumps, as well as termination of the 2400V incoming electrical service.

The Contractor has continued work on replacement pump #3 including control valve installation and startup, wiring, final terminations, alignment verification, grouting, and pump startup is anticipated to occur to facilitate the pump operation testing beginning the week of 8/10.

The Contractor has advised completion is still anticipated to occur prior to the September 17, 2020 completion date.

Payment Application #12 is currently under review to confirm work completed with the final numbers but that has not yet been provided prior to the preparation of this report.

**Project Completion Summary Through August 11, 2020**

Contract Start Date	May 1, 2019
Original Contract Completion Time	360 Calendar Days
Approved Time Extension	124 Calendar Days
Change Order #5 Extension	21 Calendar Days
Current Contract Completion Time	484 Calendar Days
Change Order #5 Contract Completion T	505 Calendar Days
Days Elapsed:	468 93%
Days Remaining:	37 7%
Original Contract Completion Date	April 25, 2020
Amended Contract Completion Date	August 27, 2020
Change Order #5 Completion Date	September 17, 2020

**Project Financial Summary Through August 11, 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
Change Order #4	No Cost
Change Order #5	\$28,706.82
Total Change Orders to Date	\$69,481.45
Current Contract Amount	\$2,002,444.45
Total Value of Work Complete	\$1,926,000.81
Percent of Work Complete	96.2%
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
Payment Application #10	\$28,665.00
Payment Application #11	45,370.57
Payment Application #12	\$38,685.48
Total Retainage to Date	\$38,520.01

**Construction Administration Financial Summary Through August 11, 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
Invoice #8	\$9,634.00
Invoice #9	\$8,288.00
Invoice #10	\$7,380.98
Total Invoiced	\$171,063.58
Percent Invoiced:	59%

Progress Meeting No. 16 was held on Wednesday July 29, 2020 at 10:00am. Progress Meeting No. 17 is scheduled for Wednesday August 12, 2020 at 9:30am.

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

Mr. Deacon provided the following highlights: (1) He mentioned that Camp Pulaski got hammered by the storm and thanks to Tony Milonas, who knew someone at JCP&L, got power back on Sunday.; (2) Tonnage was about 200 tons more from last week at both stations and today was a very busy day.; (3) Details on the Parsippany Improvement Project were mentioned in the highlights. We are well into Phase 2. The apron was actually being prepped today. Included in tonight is Change Order No. 3 for the steel work in loading bays 3 and 4 and Change Order No. 4, which is the extending of the floor behind the loading bays to have it sloped correctly to meet with the North tipping floor, which is existing. We are still below the 20% Change Order. We are watching the threshold. Persistent continues to do excellent work for us. Parsippany Transfer is really starting to come together. Mr. Lemanowicz is with us tonight and will turn it over to him to report on the project.

Mr. Lemanowicz reported that the tipping floor project is coming along. The issue behind 3 and 4 is, once we got in there, we were able to look at the actual surface without the equipment and debris on it. There was a low spot which we replaced and created a crown to get the water to flow away. It was done to eliminate the low spot and some ponding. They are also in the process of correcting some drainage, by the by-pass valving with respect to a trench drain. Once there is a known discharge of a controlled substance, there is valving that discharges the trench drain flow to a tank. That system was deteriorated. That is under construction and is almost complete and taken care of. That was one of the change orders early on. The project is progressing along nicely.

Mr. Deacon asked for the Board’s approval of the following Resolutions:

**RESOLUTION NO. 20-56  
RESOLUTION AUTHORIZING CHANGE ORDER NO. 3  
TO CONTRACT 2019-1  
PARSIPPANY TRANSFER STATION RECONSTRUCTION – TIPPING FLOOR**

**WHEREAS**, the Morris County Municipal Utilities Authority (“MCMUA”) and Persistent Construction, Inc., 58 Industrial Avenue, Fairview, NJ 07022 (“Persistent”) entered into a contract on September 10, 2019 to perform reconstruction work including, but not limited to, the replacements of the tipping floor at the MCMUA’s Parsippany Transfer Station that was subject to public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, during work at the Parsippany Transfer Station it was discovered that the shrouds in Phase 2 should be adjusted to accommodate longer trailers and for the lifted height of trailers when being moved by the yard jockey trucks; and

**WHEREAS**, Richard A. Alaimo Engineering Associates (“Alaimo”) evaluated the extra work proposed by Persistent to perform this supplemental work in the amount of \$39,929.00; and

**WHEREAS**, it is recommended by Alaimo, that the cost of these changes be approved together with a zero (0) day time extension; and

**WHEREAS**, Change Order No. 3 was prepared to effectuate the above purpose; and

**WHEREAS**, the MCMUA Treasurer has certified that sufficient funds are available in the Project Reserve Fund, account number 01-1-900-000-128; and

**WHEREAS**, the MCMUA is satisfied that proposed Change Order No. 3 is justified and satisfies the requirements of N.J.A.C. 5:30-11 et seq.

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

1. The Executive Director is authorized to execute Change Order No. 3 in substantially the form attached hereto.
2. The Authority’s Executive Director, together with all appropriate staff and consultants of the Authority, are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution and Change Order No. 3.
3. 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 August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

MOTION: Mr. Feyl made a Motion to authorize Change Order No. 3 To Contract 2019-1 – Parsippany Transfer Station Reconstruction – Tipping Floor and Mr. Druetzler seconded the Motion.

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

**RESOLUTION NO. 20-57  
RESOLUTION AUTHORIZING CHANGE ORDER NO. 4  
TO CONTRACT 2019-1  
PARSIPPANY TRANSFER STATION RECONSTRUCTION – TIPPING FLOOR**

**WHEREAS**, the Morris County Municipal Utilities Authority (“MCMUA”) and Persistent Construction, Inc., 58 Industrial Avenue, Fairview, NJ 07022 (“Persistent”) entered into a contract on September 10, 2019 to perform reconstruction work including, but not limited to, the replacements of the tipping floor at the MCMUA’s Parsippany Transfer Station that was subject to public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Change Order No. 4 was prepared in the amount of \$224,502.66 for the replacement of additional floor area to the rear of Truck Bays 1 & 2 in order to address additional deterioration and for a minor expansion of the tipping floor replacement to recreate a ridge line to facilitate surface drainage, due to the discovery of a settled section of the tipping floor slab behind Truck Bays 3 & 4; and

**WHEREAS**, Richard A. Alaimo Engineering Associates (“Alaimo”) evaluated the extra work proposed by Persistent to perform this supplemental work in the amount of \$224,502.66; and

**WHEREAS**, it is recommended by Alaimo, that the cost of these changes be approved together with a non-compensable 233 day time extension, thereby moving the completion date of the contract from February 22, 2020 to October 12, 2020; and

**WHEREAS**, Change Order No. 4 was prepared to effectuate the above purpose; and

**WHEREAS**, the MCMUA Treasurer has certified that sufficient funds are available in the Project Reserve Fund, account number 01-1-900-000-128; and

**WHEREAS**, the MCMUA is satisfied that proposed Change Order No. 4 is justified and satisfies the requirements of N.J.A.C. 5:30-11 et seq.

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

1. The Executive Director is authorized to execute Change Order No. 4 in substantially the form attached hereto.
2. The Authority's Executive Director, together with all appropriate staff and consultants of the Authority, are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution and Change Order No. 4.
3. 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 August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Hudzik made a Motion to authorize Change Order No. 4 To Contract 2019-1 – Parsippany Transfer Station Reconstruction – Tipping Floor and Mr. Druetzler seconded the Motion.

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

Mr. Gindoff mentioned that we are quickly coming to a conclusion on the tipping floor project, as all the work is going to be done in the next week or so. By the time of the next meeting, the floor should be curing and virtually be ready to use and Persistent will be out of there. A giant project of the MUA will be done and completed. He appreciates all the hard work by James and Tom in getting this done. It is much like the Markewicz project. We got that also coming to a rapid conclusion. A couple of \$2M projects that have been a long time coming and a lot of hard work. He appreciates everyone's perseverance through all the work on this and looks forward to a month from now when these are behind us and we got a lot of new shiny equipment to help us out. He mentioned that he wanted everyone to get a view of what we are adopting here. Mr. Deacon thanked Tom and his Staff for helping out, especially with the Change Orders. Mr. Deacon mentioned that the project has moved thanks to Tom and his Staff and definitely Persistent for their hard work.

(4) The next HHW Event is scheduled for Saturday, September 12, at the Academy.; (5) With regard to Vegetative Waste, the grinding went very well up at Mt. Olive. As mentioned in the highlights, it was 60 working hours to basically complete everything. Screening operations are pending, Naturcycle and we are working on that now. Hopefully, in the upcoming weeks we will start screening our material; start with Pulaski and then move to Parsippany to hopefully get the sites cleaned out by leaf season. There was an issue with the Scarab at Mt. Olive and that is being repaired. The heavy duty log splitter was received on Thursday, August 6, to Curbside. It was installed on the Volvo on Friday, finished up Monday, and it was in operation today. It is a huge improvement for us.; (6) Solid Waste Management Plan Update – The MCMUA was contacted again by Northeast Products about a possible Administrative Action. We are working with the Township of Roxbury on that and we also reached out to them about the County Concrete Administrative Action; and (7) Lastly, the MCMUA Transfer Station Contract. The contract was

executed with J.P. Mascaro on August 5. Mascaro is still working under the Emergency Contract with the anticipated Notice To Proceed date of December 15, 2020. Staff will be working with SWAC and the Morris County Freeholders on a Plan Amendment concerning that new contract. We are still working with Mascaro on the ongoing Repair List at both stations. We did receive comments on the Mascaro draft agreement late today. We feel the proposed changes can easily be ironed out between both sides with the help of Brad. As such, Mr. Deacon recommends approving this resolution. We plan to stay current on maintenance moving forward with Mascaro.

Mr. Gindoff apologizes for the late update on it, but we were able to come to the finalized version of the agreement to include with resolution and thought it was good to get it approved instead of putting a draft one in the resolution. Mr. Gindoff asked Brad Carney to highlight the three elements that were different from what was sent out earlier today. Mr. Carney mentioned that in the earlier version, we had all the checklist work that is to be completed to be completed by August 15, that is moved to September 15. In the event that Mascaro does not complete those improvements by September 15, then the Authority has the ability to withhold funds. Any funds would be withheld at the end of the emergency term. Also, we had the date of August 31 for the Authority to commence completion of improvements on its own with Mascaro's funds and that date was moved to October 14. The last revision was that it makes the Executive Director the arbiter of all questions regarding the withholding of funds, the checklist work, any dispute that arises regarding checklist work. Mascaro has the right to promptly be heard and determine in an informal proceeding before MCMUA Executive Director Larry Gindoff, whose decisions shall be final and binding. Those are the changes.

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

**RESOLUTION NO. 20-55**  
**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO EMERGENCY AGREEMENT BY AND BETWEEN THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY AND SOLID WASTE SERVICES, INC. d/b/a J.P. MASCARO & SONS**

**WHEREAS**, pursuant to an emergency contract between the Morris County Municipal Utilities Authority ("MCMUA") and Solid Waste Services, Inc. d/b/a/ J.P. Mascaro & Sons ("Mascaro") that became effective on June 1, 2020 (the "Emergency Contract") all the terms and conditions of the 2015 Contract entitled "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" were incorporated as if fully stated therein (the "2015 Contract") and the duration of its continuation is limited to the "Extended Emergency Term" as defined by said Emergency Contract; and

**WHEREAS**, the 2015 Contract includes, *inter alia*, the following from Section B-3 of the General Conditions entitled "Responsibilities of Contractor":

1. Except as otherwise provided in this section 6, Contractor shall be responsible for all costs associated with the operation, maintenance and repair of the MCMUA Transfer Station Facilities, including, but not limited to, the cost of operating, maintenance, repair or replacement of all parts and supplies required for the efficient and reliable operation of the MCMUA Transfer Station Facilities. Except as provided in Section 9, below, Contractor shall not be responsible for the costs associated with the operation, maintenance, repair or replacement of any of the structural components of the MCMUA Transfer Station Facilities' buildings, roofs, tipping floors, scale houses, scale computers and software. Such excluded costs shall be the responsibility of the MCMUA.

2. Notwithstanding Section 6, Contractor shall be solely responsible for any and all damage or injury to MCMUA Transfer Station Facilities caused by Contractor, its agents, servants and employees or any other parties.

3. Contractor shall maintain the MCMUA Transfer Station Facilities in good working order and free of litter and debris and shall surrender the same at the end of the Contract Term in broom clean condition and in good operating condition, reasonable wear and tear excepted. The MCMUA shall, in its sole discretion, determine that the condition of the MCMUA Transfer Station Facilities is beyond reasonable wear and tear if it is not reasonably useable for its intended use.

4. While the MCMUA is solely responsible for the repair, maintenance and replacement of the tipping floor as necessary throughout the Term of the Contract, the Contractor shall be required to use rubberized protection on the front-end loader bucket edges and excavator tracks used on the tipping floor to protect the tipping floors from wear. The Contractor shall be responsible to sweep and wash the tipping floor at the end of each business day; and

**WHEREAS**, remaining maintenance and/or repairs at the MCMUA Mount Olive and Parsippany Transfer Stations that are the responsibility of Mascaro have yet to be completed and are described in a checklist (the “Checklist Work”) attached to the proposed form of Amended Emergency Contract by and between the MCMUA and Mascaro, attached hereto (the “Emergency Contract Amendment”); and

**WHEREAS**, the Authority desires to provide for a completion date for all the Checklist Work to be completed by Mascaro to the satisfaction of the MCMUA and the failure of Mascaro to complete all work on the Checklist Work by such date shall result in MCMUA’s withholding of funds that would otherwise be due Mascaro for the value of the Checklist Work the remains to be completed (the value to be determined by MCMUA’s consulting engineer) until such time that the Checklist Work is completed by Mascaro to the satisfaction of MCMUA as set forth in the Emergency Contract Amendment; and

**WHEREAS**, the Authority desires to further provide the MCMUA with the discretion to complete, at Mascaro’s cost, the completion of all Checklist Work if the Checklist Work is not completed to the satisfaction of the MCMUA by the deadline contained in the Emergency Contract Amendment.

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

1. Upon execution of the Emergency Contract Amendment, in substantially the form attached hereto, the Executive Director is authorized to execute the Emergency Contract Amendment in substantially the form attached hereto.

2. The Executive Director, together with all appropriate staff and consultants of the Authority, are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution and the Emergency Contract Amendment, upon full execution of the same.
3. This Resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at the Regular Meeting held on August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Hudzik made a Motion to authorize execution of Amendment To Emergency Agreement By And Between The Morris County Municipal Utilities Authority And Solid Waste Services, Inc.. d/b/a J.P. Mascaro & Sons and Ms. Szwak seconded the Motion.

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

Mr. Deacon asked for the approval of the following Resolutions:

**RESOLUTION NO. 20-58  
RESOLUTION OF THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY  
APPROVING A VENDOR SERVICE CONTRACT ON A  
'NON-FAIR AND OPEN' BASIS PURSUANT TO THE 'PAY-TO-PLAY' LAW  
KOMATSU AMERICA CORP**

**WHEREAS**, the MCMUA has a need to acquire maintenance and repair services for the Vegetative Waste Heavy Equipment on a 'non-fair and open' contract pursuant to the provisions of the "New Jersey Local Unit Pay-To-Play" Law, P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51), N.J.S.A. 19:44A20.4 et seq.; and

**WHEREAS**, the anticipated term of this contract is for six (6) months; and

**WHEREAS**, as a determination has been made as follows:

1. The known or estimated cost of the goods or service to be provided will exceed \$17,500.00;
2. The required Business Entity Disclosure Certification form has been submitted and will be placed on file.
3. The required Political Contribution Disclosure form has been submitted and will be placed on file.
4. The contract will prohibit the vendor from making any reportable contributions through the term of the contract.

5. In lieu of a separate certification of funds, the maximum dollar value of this contract is as set forth in this resolution per NJAC 5:30-5.4 (a) 3.

**NOW THEREFORE, BE IT RESOLVED** by the Morris County Municipal Utilities Authority, in the County of Morris, State of New Jersey, that it does hereby approve the following vendor service contract under a ‘non-fair and open’ basis:

Vendor Name: Komatsu America Corp  
Estimated Cost of Service: \$44,000.00 (not to exceed)  
Account Number: 01-4-600-602-324

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certification and Political Contribution Disclosure be placed on file with this resolution.

The MCMUA’s staff and consultants are hereby authorized and directed to take all other actions necessary or desirable to fully effectuate the terms and conditions of this Resolution.

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 Tuesday, August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

Mr. Druetzler asked why do we need this resolution if we have a Purchasing Agent. Mr. Gindoff replied that we are allowed to do it, but he needs the Board’s approval to enter into the contract. Mr. Carney replied that the \$17,500 is a reference to the Pay-To-Play Law and not the bid threshold that your QPA is authorized to proceed with.

**MOTION:** Mr. Druetzler made a Motion to approve a Vendor Service Contract on a ‘Non-Fair and Open Basis’ Pursuant to the Play-to-Pay’ Law and Mr. Hudzik seconded the Motion.

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

**RESOLUTION NO. 20-59**  
**RESOLUTION OF THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**  
**INCREASING THE NOT-TO-EXCEED LIMITATION OF A**  
**PREVIOUSLY APPROVED VENDOR SERVICE CONTRACT WITH**  
**KIRK ALLEN TRUCKING, LLC ON A ‘NON-FAIR AND OPEN’ BASIS**  
**PURSUANT TO THE ‘PAY-TO-PLAY’ LAW**

**WHEREAS**, the MCMUA has a need to increase the pricing on a previously awarded contract with Kirk Allen Trucking, LLC on a ‘non-fair and open’ basis pursuant to the provisions of the “New Jersey Local Unit Pay-To-Play” Law, P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51), N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the QPA for the MCMUA advises as follows:

1. The known or estimated cost of the goods or service to be provided will exceed \$17,500;
2. The required Business Entity Disclosure Certification form has been submitted and will be placed on file.
3. The contract prohibits the vendor from making any reportable contributions through the term of the contract.
4. In lieu of a separate certification of funds, the maximum dollar value of this contract is as set forth in this resolution per N.J.A.C. 5:30-5.4 (a) 3.

**WHEREAS**, Kirk Allen Trucking, LLC (“the Contractor”) was awarded the contract for Vegetative Waste Trucking Services via Resolution No. 19-60; and

**WHEREAS**, the Estimated Cost of Service sum was not to exceed the sum of \$17,500.00; and

**WHEREAS**, during the contract term the requirement for the Contractor’s services has increased significantly due to COVID-19; and

**WHEREAS**, as a result of significant increase of the Contractor’s services, the Estimated Cost of Services will be insufficient to fund the remaining work for the term of the contract; and

**WHEREAS**, an additional not-to-exceed limitation in the amount of \$22,500.00 is to be approved for Kirk Allen Trucking, LLC contract for Vegetative Waste Trucking Services; and

**WHEREAS**, the MCMUA Treasurer incorporates into this Resolution the certification the availability of funds for the increase in the not-to-exceed limitation from \$17,500 to \$40,000 are available from Budget Line Item 01-4-4742 for the services to be provided.

**NOW THEREFORE, BE IT RESOLVED** by the Morris County Municipal Utilities Authority, in the County of Morris, State of New Jersey, that it does hereby approve the following vendor service contract under a ‘non-fair and open’ basis and amends the not-to-exceed sum:

Vendor Name:	Kirk Allen Trucking, LLC
Estimated Cost of Service:	Not to exceed the sum of \$40,000.00 at the delivery rates set forth in the 2019 Proposal received on May 16, 2019 on file at the offices of the Authority
Account Number:	01-4-4742

The MCMUA’s staff and consultants are hereby authorized and directed to take all other actions necessary or desirable to fully effectuate the terms and conditions of this Resolution.

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 Tuesday, August 11, 2020.

MORRIS COUNTY MUNICIPAL  
UTILITIES AUTHORITY

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

ATTEST:

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

**MOTION:** Mr. Hudzik made a Motion to increase the not-to-exceed limitation of a Previously Approved Vendor Service Contract with Kirk Allen Trucking, LLC on a 'Non-Fair and Open' Basis pursuant to the 'Pay-To-Play' Law and Mr. Platt seconded the Motion.

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

Chairman Dour asked with all the debris that has been generated with the storm in the County, how are we fixed for capacity at our facilities. Mr. Deacon replied that the good news is we grinded last week at Mt. Olive so all that is done, but we haven't seen much yet, but he did tell the guys that we will be receiving a lot of brush and tree parts soon. Mr. Deacon mentioned that only Camp Pulaski and accept the tree parts, larger than 6" in diameter. Parsippany has room for brush. We should be able to handle it.

Ms. Szwak asked if the digital sign you are talking about going to keep track of traffic and tell trucks entering the station, wait times. Mr. Deacon replied that it probably could, its programmable. Mr. Gindoff commented that it is more of an entrance sign than it is informational.

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

#### **GENERAL ADMINISTRATIVE MATTERS**

The MCMUA staff has begun the process of improving and increasing signage at all its facilities and overall site improvements also continued to occur in July 2020. Staff is researching options for a new digital sign at our Mount Olive transfer station. The sign would be placed on Gold Mine Road near the main entrance gate and stand about 8' feet tall by 7' feet wide. It would include a custom made stone base and non-illuminated vinyl header with our MCMUA logo on top. The MCMUA vehicles have been re-decaled with new reflective MCMUA logos on the doors. This includes the office vehicles and the working field fleet of trucks. Faded signage at the MCMUA main office in Randolph has all been replaced. New entrance signage was received for both vegetative waste locations, pending install to coincide with the entrance improvement projects for both sites. New MCMUA logoed pop-up tents and chairs have been ordered for use at the HHW one-day drop-off events and various recycling outreach programs. New 3' by 5' MCMUA logoed flags were designed and purchased to be flown at our two (2) transfer stations. A new set (2) of pond bubblers were installed and are operational at the Mount Olive transfer station retention pond. The permanent related electrical work/ power to these bubblers from the scale house has been scheduled with a certified electrician. The damaged inbound scale deck at the Parsippany-Troy Hills transfer station was replaced on July 18. The MCMUA received quotes on replacement of the two (2) 4000 gallon above ground storage tanks (diesel fuel) for both of the transfer stations. These tanks are approaching their usefully operational life expectancy as per the manufacturer specs. Quotes have been received for interior painting at both transfer station scale houses. The flooring in these scale houses is also being reviewed. The Transfer Station Managers are also looking to schedule concrete repairs to the tipping floor at Mount Olive in front of Loading Bay #1. The industrial sized log splitter that can be customized to fit our new Volvo front-end loaders at Mount Olive compost should be delivered to the Curbside facility within a few weeks. Quotes for paving our Parsippany Compost entrance area/ free pile area are still being collected.

#### **TRANSFER STATIONS**

**Tonnage-** For the month of July 2020, the quantity of solid waste accepted at the two (2) transfer stations was 36,932 tons. This represented a 9.39% decrease compared to July 2019 totals of 40,760 tons. As reference, July 2019 was an exceptionally busy month for our transfer stations. To put it in perspective, July 2020's tonnage was slightly more than July 2018. Based on the first seven (7) months of the year, it is now being projected that the annual disposal tonnage will be about 404,459 tons which would represent 2.93% decrease in tonnage compared to the 428,450 tons disposed of in 2019. Considering we lost about 23% of anticipated tonnage in April and May of 2020 due to COVID-19, the currently projected 2.93% annual decrease is not too bad. Below are some year-to-year comparisons regarding transfer station activity :

Parsippany Troy-Hills Transfer Station:

Customers- 2019- 5,018 Total (4,751 accounts and 267 cash customers)  
2020- 4,754 Total (4,423 accounts and 331 cash customers)  
Tonnage- 2019- 25,475  
2020- 21,903

Mount Olive Transfer Station:

Customers- 2019- 3,335 Total (2,750 accounts and 585 cash customers)  
2020- 3,779 Total (3,022 accounts and 757 cash customers)  
Tonnage- 2019- 15,284  
2020- 15,028

Please refer to the attached Transfer Station Disposal Report by Month for additional information.

**Parsippany-Troy Hills Transfer Station Improvement Project-** This project involves the replacement of the main tipping floor, trench drains, and related steel repair work. Persistent Construction, Inc. (Persistent) continues to work diligently to be ahead of their proposed schedule as it relates to Phase 2. Phase 2 mobilization occurred on July 8, which started with the cleaning and debris removal of the old tipping floor. The steel removal from loading bays #3 and #4 followed, and then the demo and removal of the concrete floor itself. Once completed, Persistent began the methane barrier and grading of the subbase/ install of the dense graded aggregate (DGA) as needed. Pouring the floor, two (2) 16' wide sections of slab at the far north and far south sides of Phase 2, occurred during the last week in July. The center section of floor was poured soon after. Persistent is now starting the additional work mentioned in the approved Change Order #1- the demo near the front entrance, installing new drainage and valves to our underground storage tank (UGST) and the sanitary sewer. Work has also started on Phase 2's trench drain system. Persistent worked with the MCMUA Operational Staff to only have the North Tipping Floor unavailable to customers for about two (2) days. The timing was used to have J.P. Mascaro and Sons install the North Tipping Floor shroud, as part of their repair list.

Information remains on the MCMUA website reminding our customers of this construction activity in Parsippany-Troy Hills.

Mentioned during the July 7 Board meeting, Alaimo Engineering reviewed and measured the steel beams and shrouds in loading bays #3 and #4 ahead of time as part of Phase 2. Completed plans and drawings were sent to Persistent upon completion. Two (2) of the main steel support beams were found to be twisted and damaged and were in need of full replacement. Adjustments to steel work found in Phase 1 due to loading trailer heights and lengths, were then applied to Phase 2's steel construction plans. As a result, the MCMUA received a Change Order #3 from Alaimo relating to this Phase 2 steel work. Additionally, a Change Order #4 is being prepared based on the need for a minor extension of the tipping floor behind loading bays #3 and #4 and the North tipping floor to prevent pooling of water while providing proper sloping so that the newly poured floor appropriately meets the existing floor. It is expected that Change Order #4 will be the end of the Change Orders associated with this project as it is rapidly coming to a conclusion.

**Transfer Stations Administrative Matters-** MCMUA Executive Director Larry Gindoff executed the five (5) year contract for "MCMUA Bid#2020-SW01- 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" on August 5 with Solid Waste Services, Inc. d/b/a J.P. Mascaro and Sons (Mascaro). In accordance with the correspondence included in the Board packet dated July 23 from Pasquale N. Mascaro, the contract's notice to proceed is anticipated to be December 15, 2020, based the extensive amount of equipment being purchased and the current situation with the supply chain due to COVID-19. J.P. Mascaro and Sons will continue to operate our transfer stations under the current Emergency Contract till this date.

The MCMUA Operational Staff, solid waste engineer, and Counsel continue working with Mascaro on lists of pending repairs and improvements that are in need of completion at both transfer stations. J.P. Mascaro Managers and their Purchasing staff have increased efforts in completing these repairs in a timely manner. These Mascaro representatives continue to understand their obligations, and are making a conscious effort to keep the MCMUA updated on

the progress being made. The MCMUA has drafted an agreement with J.P. Mascaro Sons concerning the completion of the repair lists. MCMUA anticipates a Resolution authorizing execution of this type of agreement to be presented to the Board at its August 11 regular meeting.

**Red Bags/ Medical Waste Procedures-** MCMUA staff was contacted by the Morris County Office of Health Management (MCOHM) about possible new procedures related to red bags/ medical waste that is dumped at our transfer stations. Current procedures have the MCMUA staff notifying the Solid Waste Enforcement staff at the MCOHM directly for a response once issues are discovered. According to the MCOHM, staff may soon be asked to contact the New Jersey State Department of Environmental Protection (NJDEP) through their Action Hotline (1-877-WARN-DEP) from now on. This would mean the NJDEP would be handling these types of incidents that occur more frequently since the start of the COVID-19 pandemic. Concerns include timely responses not to interrupt our operations, and follow-through on cleanups and proper disposal. Later in the year during our rate hearings, the MCMUA still intends on implementing a cost recovery policy and procedure, similar to what the County of Morris has in place, to bill back time spent by MCMUA to the responsible party (RP). The RP would be responsible for all costs reasonably incurred by the MCMUA, its employees, and any expendable items used to address the incident. MCMUA continues a good working relationship with the MCOHM and is awaiting further instructions on any policy changes to what is currently in place.

## **MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN**

**County Concrete Corporation- Class B Recycling Facility Modification-** As mentioned during the July 7 Board meeting, County Concrete, Corp. is looking to include Block 2401, Lot 8 which utilizes the scale to weigh all class B materials and is adjacent to the recycling operations. This was inadvertently omitted from County Concrete's original class B Recycling application, and will not alter or expand the current recycling operations in any manner. MCMUA staff has asked Roxbury Township to review this modification request and is waiting to hear back.

**Morris County Transfer Station Contract-** With the Award of Contract for the operation of the transfer stations being executed on August 5, MCMUA staff will now be working with the SWAC and the Morris County Freeholders on a formal Plan Amendment that incorporates the terms and conditions contained in the Contract. This Plan amendment will eventually be presented to the MCMUA Board in order to provide a recommendation regarding the Plan amendment to the Board of Chosen Freeholders.

## **HOUSEHOLD HAZARDOUS WASTE (HHW) MANAGEMENT**

**Program Participation-** The permanent household hazardous waste facility (HHWF) located at the MCMUA Mount Olive transfer station was reopened and still continues to service Morris County residents only. The MCMUA staff continues to reduce monetary interactions while keeping paperless transactions and proper social distancing with all its customers. The MCMUA staff provided service to 220 appointments bringing our 2020 totals to 809. The third 2020 MCMUA HHW one-day drop-off event is scheduled for Saturday, September 12 at the Morris County Public Safety Training Academy (MCPSTA) for 9:00AM till 2:00PM.

## **VEGETATIVE WASTE MANAGEMENT**

Both of the MCMUA Vegetative Waste Recycling Facilities in Parsippany and Mount Olive continue to be fully operational, serving our Morris County Municipalities, residents, and landscapers. Residential compost and mulch deliveries have started to slow down, but annual projects like screening and grinding have started. The grinding of the class B materials in Mount Olive/ Camp Pulaski occurred in mid-July through our inter-governmental agreement with the Parsippany Forestry Division. A total of 60 working hours produced 2,500 Cubic Yards (CY) from the brush pile and 1,900 CY from the log pile, all quality mulch material. The two (2) week screening process of compost at both locations has just started in Mount Olive. A copy of the Vegetative Waste Report will be provided to the MCMUA Board for the August 7.

**Outbound Vegetative Materials Marketing-** The outbound sales continue to improve from both our vegetative waste facilities in Mount Olive and Parsippany. Some of July 2020 joint projects concerning Naturcycle and MCMUA materials include:

**Cricket Valley Power Plants-** Restarted delivering small amounts to site. Cricket Valley is taking another 500 Cubic Yards (CY) to finish the engineered wetland areas they are constructing in Dover Flats, New York.

**New York City-** About 150 CY containing approximately 30 CY of screened MCMUA compost was used to make a green roof media for a project in Brooklyn, New York. This blend of lightweight aggregates, sand and MCMUA compost is used in planters 8 to 10 stories up on entertainment terraces. It was installed with a blower truck.

**Commercial Sales-** Once we have screened material online Naturcycle has a number of retail yards in New York and New Jersey that are looking to stock up for the fall.

The MCMUA and Naturcycle ran into some operational equipment issues with the screening process up at Camp Pulaski, which has set us back in producing screened marketable materials. The MCMUA also had an issue with its Scarab windrow turner in Mount Olive and is looking into timely repairs to get it back into operation quickly. The drive pumps have been repaired and the MCMUA anticipates this being completed by mid-August.

The MCMUA is actively looking to market our mulch materials, similar to what is currently happening with our compost. Staff has received interest from different companies looking to purchase in bulk and assist in the process to making a quality product. This will assist in keeping materials moving, freeing up much needed space for leaf season, while seeing a profitable return for the work and effort that is put into our vegetative waste facilities by MCMUA employees.

**Trucking Service for Residential Vegetative Waste Deliveries-** Kirk Allen Trucking Services, LLC. continued providing our residential delivery services after the reopening of the program in the beginning of June 2020. Due to COVID-19, the expanded delivery capabilities of Kirk Allen was fully utilized to meet the demand of deliveries in a very compressed time-frame. In doing so, we used up the allotted budget for these deliveries based on the original \$17,500 allowed in the original authorizing Resolution. A Resolution will be presented to the Board for its consideration at the August 11 meeting, adding additional money into this Contract allowance to hold us over until we consider authorizing the first renewal of this Contract in the Fall of 2020.

**Lake Weed-** The MCMUA Mount Olive/ Camp Pulaski facility began accepting its permitted max of 800 cubic yards (CY) of lake weed from Lake Hopatcong on June 24, when the program was quickly suspended due to the weed harvester capsizing, killing the operator. The MCMUA was accepting this lake weed at \$3.00 per CY from both Morris and Sussex County sections of Lake Hopatcong. The incident is still under investigation, and at this point, the MCMUA does not anticipate receiving any lake weed material from Lake Hopatcong till 2021.

### **RECYCLING REPORT:**

Ms. Sweedy reported the following: (1) The June ReCommunity/Republic statement was finalized and the rate for single stream for June was -\$80.98 per ton. The preliminary rate for single stream for the month of July is -\$79.26 per ton, an improvement of \$1.72 per ton compared to June's rate. During July, the value of paper increased by \$3.19 per ton compared to June, while the value of containers dropped. The most significant increase was mixed paper during July.; (2) During July, MUA Operational Staff began working on a formal Operations Maintenance Manual for our Curbside Division. They are using manuals approved by the DEP for the Transfer Station and Staff has started putting together information on things like emergency contacts, updates to safety plans, and updating the MUA's internal inspection forms and adding a detailed section on the facility itself. Once the draft manual is completed, Supervisors will review it and they will make comments. The Operations Manual is intended to provide information necessary to operate, manage and maintain the MUA's Curbside Recycling Program and facility in an orderly safe manner. She thanked James Deacon and Mike Nunn for their hard work in putting together the manual.; (3) In addition, we started to create educational videos for the MUA Website. Last week our first video was filmed. Staff is working on scripts for several others and the intent is to keep the messages concise. The messages are to educate the public about recycling right and the proper disposal of hazardous waste. Unfortunately, there are a lot of masks, disposable gloves and wipes

littered everywhere, we are going to create messages about litter abatement. It is a team effort. We are all working on this together and it is going to be a nice addition to the MCMUA Website.

### **Recycling Operations**

**Tonnage and Value** – The June 2020 ReCommunity/Republic statement was finalized in the amount of **(\$135,474.55)**. The per ton rate for single-stream was **(\$80.98)**, a difference of \$14.48 above the rate **(\$66.50)** paid in May 2020. The July statement and tonnages by material and municipality has not been received and/or compiled as of the writing of this report, but expected to be available for the Board meeting and will be reported on at that time.

### **Curbside Contract Proposals & Resolutions**

#### **Pequannock Township:**

- On 6/30/20, staff attended the bid opening for solid waste/recycling collection services for Pequannock Township.
- On 7/16/20, staff forwarded a proposal letter for shared services that offered the Township a competitive five- year agreement for single-stream or dual-stream recycling collection on a weekly basis (Monday collection). The new contract to begin on November 1, 2020.

#### **Riverdale Borough:**

- On 7/1/20, staff emailed Riverdale Borough Mayor Paul Carelli, and Steve Schotanus, Riverdale Borough Municipal Recycling Coordinator, advising that we have some flexibility and are willing to revise our proposal for recycling collection services.

On 7/16/20, Steve Schotanus called staff to say that the town would be renewing their contract with Blue Diamond. The contract runs for 5 years.

#### **Jefferson Township:**

- On 7/2/20, staff emailed Carol Fett, Jefferson Township Purchasing Clerk, and requested a copy of their solid waste/recycling bid, 1/1/21-12/31/25, with regard to a proposal for curbside recycling services. A copy of the bid with a brief summary of pertinent information was forwarded to MCMUA staff
- On 7/24/20, staff received an email from Edward L. Haack, Township Engineer stating that after considering the MCMUA's request to revise the specifications for the SW and Recyclable Materials Bid, the Township has decided not to changes their to provide for separate contractors to bid on parts of the overall collection services within the Township.

#### **Mt. Lakes Borough:**

- On 7/2/20, staff advised Anne Stusnick, Mt. Lakes Department of Public Works, that the MCMUA would not provide a proposal to provide services for collection of vegetative waste from the municipal depot.

#### **Mt. Arlington Borough:**

- On 7/7/20, staff emailed a draft shared service agreement and resolution to Diane Alexander, of Maraziti Falcon, for the Mt. Arlington recycling depot. This agreement is for 5 years, 1/1/21 – 12/31/25. Price per pull will increase 2% from this year's price of \$112.00.

#### **Parsippany-Troy Hills Township:**

- MCMUA Counsel reviewed our Parsippany equipment shared services agreement that renews on 11/1/20.
- On 7/17/20, a copy of the agreement was emailed to Greg Schneider, Department of Public Works Director, and Chad Kreitz, Municipal Recycling Coordinator.
- On 7/21/20, the original agreement was mailed to Greg Schneider for signature by the mayor.

#### **Roxbury Township:**

- On 7/15/20, the Roxbury Township Recycling Depot transportation and marketing agreement was reviewed and returned with comments from MCMUA Counsel

- On 7/17/20, a copy of the Roxbury Depot shared services agreement was emailed to Rick Blood, Department of Public Works Director, and Kellie Ann Keyes, Municipal Recycling Coordinator.
- On 7/20/20, the original agreement was mailed to Rick Blood & Kellie Ann Keyes for signature by the mayor.

**Morris Plains Borough:**

- Staff is currently evaluating the Morris Plains Borough services so a cost proposal can be formulated.
- A new agreement would be effective 1/1/21.

**Recycling Customer Support & Curbside Support**

7/3/20, MCMUA operational staff began working on a formal Operations and Maintenance (O&M) Manual for the MCMUA Curbside Division and facility. Using the manuals approved by the NJDEP for the MCMUA transfer stations, staff has started compiling information on things like emergency contact information, updates to the safety plans, updating the MCMUA internal inspection forms used, and adding a detailed section on the facility itself. Once the draft manual is completed, the Curbside Supervisors/ Managers will be asked to review it and make comments. The Operations and Maintenance Manual is intended to provide information necessary to operate, manage, and maintain the MCMUA's Curbside Recycling program and facility in an orderly and safe manner on a daily basis. This document will serve as an organized compilation of project technical documents, manufacturer's data, and project site records.

On July 27, work on the wiring for the new phone and intercom system began at the armory. Once the new wiring is installed, the new Cisco phone system will be put in place, which is consistent with the system that is used throughout County departments. This will be a huge improvement and will provide many options that are not available with the current phone system that is archaic.

On 7/30/20, at the request of the Curbside Dept., staff listed the following four items for auction scheduled to start on 8/4/2020 and end on 8/13/2020:

- 2005 Rudco stationary compactor with receiver box for \$2,000
- 1995 Skid Steer with sweeper and 4 tires \$1,500
- 1996 International roll off truck \$1,500
- 2 Transfer Station ladders for \$800

A resolution was presented and approved by the Board at the July Board meeting.

**Recycling Inspections and Education**

On 7/8/20, staff contacted Tim Quinn, Mt. Olive Township Municipal Recycling Coordinator, regarding Ryan Homes at Mountain Ridge, a new construction residential complex of townhomes. A resident had contacted staff to report that there was no source separation of mandated materials. On 7/9/20, Tim issued a notice of violation to Ryan Homes stating that they were in defilement and would be fined and Certificates of Occupancy would be held up if the situation was not corrected. On 7/10/20, staff replied to the resident's question about why Rubinetti Disposal did not advise Ryan Homes about recycling. Staff emailed Peter Rubinetti regarding this situation and asked for a response. On 7/15/20, Margaret Rubinetti replied that they had contacted the association with recycling options. Staff sent copy of her email to Tim Quinn. On 7/28/20, the resident emailed to say that there had been no improvement. Staff again contacted Tim Quinn to provide the update and garner his support and assistance in this matter. 7/8/20, staff spoke Eric Gabrielson of Republic Services (ReCommunity) about a recent baler fire at the facility in Mine Hill. Eric explained that propane cylinders (from camp stoves), acetone, and mixed fuel (used for weed trimmers and other fuel powered yard tools) are the cause of most fires at the materials recovery facility. Last year Republic/ReCommunity experienced several fires in August and September, and Eric would like to get the word out about this problem and encourage residents to keep these unacceptable items out of the recycling stream. Staff asked Eric if he would be willing to participate in an educational video at the facility, to be filmed by MCMUA staff, to talk about the issues that cause fires. Eric would very much like to be part of the video and will ask for approval from Republic Services. Staff also asked Eric if he would consider participating in some other educational video clips regarding recycling right for the MCMUA website. Eric will discuss with his superiors and get back to us.

On 7/24/20, Blue Diamond Disposal delivered corrugated cardboard mixed with trash to the Mt. Olive transfer station. Generator was CP32 LLC c/o ARC, 32 Mt. Kemble Ave., Morristown. Staff forwarded information to Kirby Johnston, Morristown's MRC and the hauler for corrective action.

On 7/28/20, Waste Management delivered corrugated cardboard mixed with trash to the Mt. Olive transfer station. Generator was TJ Maxx in Rockaway Township. On 7/30/20, staff forwarded information to the hauler and Al Knoth, Rockaway's MRC for corrective action.

On 7/29/20, Recycle Coach sent their second quarterly report for Morris County covering the months of April through June. Please see some of the statistics:

- Seventeen Morris County towns utilize the Recycle Coach application. There were no new towns added during the second quarter
- Users: 14,209                      New downloads: 725                      Interactions: 90,977
- Top search items: furniture items, household batteries, Styrofoam containers, Styrofoam packaging, latex paint

#### Recycling Inspections at Rockaway Borough Multi-family Complexes serviced by MCMUA

On 7/22/20, staff conducted inspections at the following complexes in Rockaway Borough:

Laurel Manor Apartments:

- Plastic bags found in recycling dumpster
- Glass bottles and cardboard found in trash dumpster

Tudor Estates Apartments:

- Plastic bags found in recycling stream
- A few of plastic bottles found in trash dumpster

Wall Street Commons Apartments:

- Plastic bags, food waste, disposable gloves found in recycling stream
- Cardboard found in trash dumpster

Chateau Gardens Apartments (inspected on 7/29/20):

- Plastic bags, paper plates, food waste,
- Mandated recyclable plastic bottles and cardboard found in trash

Inspections will continue at multi-family complexes in order to address contamination issues and reduce the number of plastic bags and other unacceptable materials currently found in the recycling stream. Educational materials (for distribution to residents) and signs for disposal areas will be offered to each property manager.

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

On 7/21/20, staff attended and took the minutes for the ANJR Board Meeting. Some interesting notes:

- The Program Committee will be scheduling virtual workshops and MRCs will receive credits. Most of the planned fundraising events have been cancelled.
- Frank Brill reported for the Legislative Committee that the Environmental Justice bill is being rushed through and will be signed by the Governor. None of ANJR's comments were considered. This bill will affect the recycling industry and business community. However, on 7/31/20 ISRI reported that "the New Jersey legislature pulled the overly burdensome environmental justice legislation that would have harmed ALL recycling innovation and investment in the state."
- Market report: Bill Lehman, Waste Management, said that the corrugated market has been a roller coaster during the past few months with prices going for \$120 a ton and immediately falling to \$60 a ton. This confuses customers. He heard that the lack of sporting events has caused a shortage of aluminum cans in the single-stream/dual-stream mix, but cannot confirm that. Mike Ferreby, Turnkey Enterprises, said that the textile markets are closed down because product cannot be shipped overseas. Possible reopening would be in September/October.

On 7/22/20, staff attended a NERC webinar held in conjunction with the Association of Plastic Recyclers. They have launched the Government Recycling Demand Champion Program to promote the purchase of plastic products with post-consumer recycled content. The program has two tiers of participation: Champions are full program participants that commit to purchasing products made with post-consumer recycled plastic. Advocates intend to purchase products

made with post-consumer recycled plastic, but their organization is not ready to act, but will within a year of joining the program.

Some of the products with post-consumer recycled content (PCR) that government entities will be encouraged to purchase:

- Infrastructure drainage pipes
- Trash bags
- Roll-out carts
- Recycling and garbage containers
- Benches
- Outdoor furniture
- Plastic lumber, piers, decking
- Other PCR containing plastic products, including electronics

### **Clean Communities**

**Educational Programs:** Due to COVID-19, Clean Communities in-person educational programs have not taken place. One virtual program, via Zoom, took place on July 14 as part of the East Hanover Public Library's summer program. Rizzo's Reptile Discovery did an outstanding job presenting the animals, and answering questions from the audience (who watched the program from home). There are several other virtual programs scheduled to take place in the months ahead as this becomes the new norm.

**Road Clean-ups:** The MCMUA hired Adopt-a-Highway Litter Removal Service of America to conduct two litter cleanups in July. On July 9, the cleanup of Mt. Hope Road in Rockaway Township took place. A total of five miles cleaned. There were 24 bags of trash and 14 bags of recyclables collected from the cleanup, and a car battery. On July 15, the cleanup of sections of Parsippany Road, East Hanover Ave., Edwards Road, and New Road in Parsippany-Troy Hills Township (near the Parsippany transfer station was conducted). A total of 5.4 miles cleaned. There were 43 bags of trash and 19 bags of recyclables collected from the cleanup, and approximately 900 pounds of dumped lumber removed. The crew worked very hard to cleanup this area and did exceptional job!

### **OLD BUSINESS:**

With regard to the Open Space Plan, Mr. Gindoff shared some mapping that the MUA recently got completed with the help of the GIS Department. He explained that they mapped out our eight wells, then we starting inputting open space property. It is showing that we have incorporated mapping and environmental layers. We have done a lot of good work in getting our data in working with GIS and coordinating with their new system that is going to be used for managing the stewardship of properties.

Mr. Dour asked who on Staff coordinates with the GIS Group and Mr. Gindoff replied Anthony Marrone.

Dr. Nusbaum asked is this consistent with the State DEP. Is the DEP doing an overview of what you're showing us throughout the State or is Morris County separate? Mr. Gindoff replied, no. We were able to work with some of the mapping resources that both Laura and Gene had discussed with us to download them and work with the two GIS Departments from Rowan University, as well as the County department of GIS to get some of their layers incorporated into our map. Chairman Dour asked if we could put any of these maps on the website when they are more finalized and Mr. Gindoff replied that he assumes so. He mentioned that this not just a static map, this is an ongoing Web GIS application. He mentioned that he has to work with the County GIS to see what they want on the website or not.

Ms. Szwak asked Michael McAloon mentioned in his report that we sold a lot of water for a lot of reasons. Why was this time so much more, other than the beginning of summer? Mr. McAloon replied that Jefferson is actively pursuing leak detection, Southeast also had some issues and relying on MCMUA, we found at least two leaks, one at 874 Route 46, as well as the leak this

week, a combination of things. We are starting to see with the higher temperatures, people are not going anywhere and are at home using a lot of water to keep their lawns green.

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

**NEW BUSINESS:**

Ms. Szwak mentioned that the Morris County Open Space Committee had a virtual meeting on July 30. She reported to the Board, since she is the MUA Representative, what occurred in that meeting. The application process is over. There were nine projects submitted which is more than last year. They are very excited that the program is regaining some momentum. It will impact 200 acres if all of it is accomplished at 2.99 million dollars. There is 1.5 million dollars available, so they are only going to half, unless they talked about pulling from other sources of the Open Space Trust. The program is still popular on the positive side. On negative side, there are three diversion processes that are going on right now. One in Central Park in Long Hill Township; one in Glen Alpin in Harding Township, and that one is going to happen pretty soon; and then one in Madison. Some acres are being diverted to put in development of some affordable housing, but mostly development. These are all under the aegis of Green Acres, so it is not like a diversion of County funds only. Green Acres is taking the lead in ensuring that the diversions are necessary and adequate compensation is provided. Ms. Szwak does not know, but did ask how many acres would be diverted and Barbara Murray did not have that figure, but will let you know when that comes in. She mentioned that these diversions are not going to stop because it is the wave of the future because land is getting scarce. She looked very carefully at Morris County's Diversion Policy and Regulations and compared them with Green Acres, which are supposed to be compatible with, and provided a couple of recommendations to tighten things up a little bit.

Mr. Druetzler asked why are they letting them divert it? Ms. Szwak replied, the pressure is great, Green Acres allows it and they felt that the County rules should reflect the State rules.

Chairman Dour asked is the information about diversions on the County website or the State and Ms. Szwak replied it is nowhere. It is just a report from Barbara Murray that Green Acres reported to her to tell her these were going on and the County is supposed to approve the diversions with the State. He asked if she gets that information to share it with the MUA Board. She will share the information when she gets it. Mr. Carney mentioned that Green Acres has a County Steward for each of the Counties; some Stewards have several Counties. You can probably request, whoever the County Steward is for Morris County regarding an update as to where these projects

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

**PUBLIC PORTION:**

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

There being no further business, Chairman Dour asked for a Motion to adjourn the meeting at 8:28 p.m.

**MOTION:** Mr. Hudzik made a Motion to adjourn the meeting at 8:28 p.m., seconded by Ms. Szwak and carried unanimously.

---

Marilyn Regner  
Secretary

/mr