

**REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY**

Chairman Rattner called the meeting to order at 7:34 PM. Following salute to colors, announcement was made that adequate notice of this meeting had been provided for as defined by the "Open Public Meetings Act".

**MEMBERS PRESENT:** Donald Bates, James Benson, Michael Grogan, John Keiser, Brian McNeilly, Melanie Michetti, Michael Pucilowski, Steven Rattner, Joseph Schwab, Edward Schwartz, John Sylvester

**MEMBERS ABSENT:** Daren Phil

**OTHERS PRESENT:** Patrick Dwyer, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling, Marvin Joss, Stephen Donati, PE

Chairman Rattner opened and closed the meeting to the public.

The Reorganization Meeting minutes of February 27, 2014 were approved on a motion offered by Mr. McNeilly, seconded by Mr. Bates. Roll Call:

Mr. Bates	Yes	Mr. Pucilowski	Yes
Mr. Benson	Yes	Mr. Rattner	Yes
Mr. Grogan	Yes	Mr. Schwab	Yes
Mr. Keiser	Yes	Mr. Schwartz	Yes
Mr. McNeilly	Yes	Mr. Sylvester	Abstained
Mrs. Michetti	Yes		

The Regular Meeting minutes of February 27, 2014 were approved on a motion offered by Mr. Schwartz, seconded by Mr. Schwab. Roll Call:

Mr. Bates	Yes	Mr. Pucilowski	Yes
Mr. Benson	Yes	Mr. Rattner	Abstained
Mr. Grogan	Yes	Mr. Schwab	Yes
Mr. Keiser	Yes	Mr. Schwartz	Yes
Mr. McNeilly	Yes	Mr. Sylvester	Abstained
Mrs. Michetti	Yes		

The Expenditures/Treasurer's Report was accepted on a motion offered by Mr. Schwab seconded by Mr. Bates and the affirmative roll call vote of members present.

The pending vouchers for the month of March were approved for payment on a motion offered by Mr. Schwab, seconded by Mr. Schwartz and the affirmative roll call vote of members present.

The following correspondence for the month of March was received and filed on a motion offered by Mr. Sylvester, seconded by Mr. Pucilowski and the affirmative vote of members present.

- A. 3/5/14 LTPA – 2014 Appointment
- B. 3/17/14 Patrick Dwyer, Esq. – Retainer Agreement 2014
- C. 3/17/14 NJDEP – FY2014 Annual Fee Report & Assessment of Fees
- D. 3/19/14 J. Schilling – To Mt. Olive regarding Meter Chamber Ownership Transfer
- E. 3/14/14 Friends of Tanzania – Donation in Memory of Larry Kron, Esq.

Chairman Rattner asked that Mr. Schilling's report be listed as Directors Report separately from the Repairs and Maintenance Report on the Agenda for future meetings.

Mr. Schilling asked if the commissioners had reviewed his monthly report and if anyone had any questions or comments. Mr. Pucilowski asked about the odor control and if the MSA was obligated to research the issue. Mr. Schilling responded that the three proposals received were all for the same product and the difference with BioTriad's proposal was that they are providing the capital equipment and the MSA will pay for 4 barrels of product annually. Mr. Schilling further explained some of his findings on the causes of the odors and the second phase of the sludge handling area. Chairman Rattner asked Mr. Schilling to explain how the odor control works. Mr. Schilling said it is a vapor combined with blowers to disperse the product to leave a fragrance and neutralizes the odor causing agents. Mr. Schilling also explained that no equipment had to be purchased. If the Authority does not like the second phase product it can be returned and no money will be owed for the product, same as the first phase agreement.

Mr. Schilling also updated the commissioners on the electric supply services. He attended the NJSMUAESA pre-bid meeting, which covered the process and energy indexes. He explained that bids for energy prices are expected to be considerably higher this year. Chairman Rattner asked Mr. Schilling if there were funds in the budget to cover the increase. Mr. Schilling responded that he has reduced electric costs over the past years and it should not be a problem. Mr. Schwab explained that there were extra funds for electric services in the previous year's budget and he did not think the increased costs will cause any problems at this time. Mr. Schilling suggested that any decisions made should be based on upcoming market conditions.

Mr. Schilling said the Office of Quality Assurance conducted a lab inspection on March 19<sup>th</sup>. There were some issues. A report is to be prepared and he will respond accordingly.

Lastly, Mr. Schilling referred to the letter received from the NJDEP regarding an increase in permit fees. He explained that he calculated the increase for the permit fees and the annual increase should be approximately \$329.00.

The Director's Report, and Repairs and Maintenance Report, were accepted on a motion offered by Mr. Sylvester, seconded by Mr. Bates and the affirmative vote of members present.

Mr. Purcell reported that LTPA submitted flow trains for Contracts #125, #150 and #170 to Mr. Schilling as requested. A pre-draft NJDEPES permit was issued the same day.

Mr. Purcell also reported that LTPA is available to assist the MSA in developing an Asset Management Plan. Attached to his report is a bulletin from the University of Wisconsin with information on a seminar for advanced asset management practices for water and wastewater utilities that will be held May 13<sup>th</sup> and 14<sup>th</sup>.

Chairman Rattner asked Mr. Purcell to report on the issue with the Villages at Roxbury. Mr. Schilling asked to explain the situation. Mr. Schilling said that the MSA did everything to comply with the requests of the developer for the project. The EPA is asking for more information and is suggesting that the MSA should be more involved with the mapping waiver request instead of the developer. Mr. Schilling contacted Mr. Purcell with regard to the request from the EPA. Mr. Purcell explained the past history of the project and the endorsement of the original TWA in July 2006. The permit was issued to the developer and it had a number of conditions stated that the developer had to abide by the State Land Use Regulation Permit and all the requirements of the NJDEP and USEPA regarding the project. He sent a copy of the base document to Mr. Schilling and Mr. Dwyer. He further explained that over time various personnel at the EPA had handled this particular project. The MSA has a grant condition that no development will be allowed to occur in a wetlands area where a structure would be built that would discharge into an EPA funded project by the MSA for a 50 year time span. He said that is a blanket type requirement not exclusively for the MSA, but to any community within the jurisdiction of the EPA. The MSA endorsed the developer's original plan, which was delayed. Before the LURP permit lapsed the developer had to fill-in approximately 35,000 square feet of wetlands. The developer did that work before the LURP permit lapsed. The condition in the permit was that they were supposed to have a mapping revision or a grant waiver from USEPA prior to doing any construction, which would include constructing in the wetlands. He further explained that the developer did not build, most likely for economic reasons. Presently, the attorney for the developer has supplied the information so that MSA could make the request for the waiver. The EPA had contacted the developer requesting more information, after which they contacted Mr. Schilling requesting the additional information. Mr. Purcell said that the developer is responsible for submitting the information and permits for the project to the EPA. He believes the problem is that the developer's attorney cannot supply the information the way the EPA wants it. There is a telephone conference scheduled for April 2<sup>nd</sup> and hopefully they will understand the situation better at that time and be able to resolve the issues. Mr. Purcell noted that the MSA has the responsibility for ensuring that nothing is built on wetlands within any of the MSA's facilities that have been funded through USEPA grants. He reiterated that it is the developer's responsibility to submit the information as required by the EPA. Chairman Rattner noted that the developer may need a whole set of other permits if they are filling in wetlands. Mrs. Michetti suggested that in the future, when the MSA endorses a TWA Statement of Consent and passes a resolution, the EPA waivers should be filed before the MSA signs off on the Statement of Consent. The commissioners discussed the project, the exact location, responsibilities, and other options for the MSA. Mr. Keiser suggested that the MSA should have an indemnification in writing from the developer. Mr. Schwab suggested that the MSA Attorney should participate in the telephone conference on April 2<sup>nd</sup>. At this time no additional escrow should be requested.

The Engineer's Report was accepted on a motion offered by Mr. Pucilowski, seconded by Mr. McNeilly and the affirmative vote of members present.

Chairman Rattner discussed the bill payment plan and explained the process and differences to current procedures. He listed the specific bills that could be incorporated in the plan which included inter-government payments, utilities, vehicle fuel, telecommunications, propane, postage, payroll, debt service, insurance, benefits and all reoccurring bills. He suggested the MSA Qualified Purchasing Agent review the matter and discuss it with Mr. Schilling. Chairman Rattner further explained the reasons and

situations why this plan would be needed. Mr. Pucilowski asked if the resolution should include payments to contractors. Chairman Rattner indicated those payments would still need to be approved at a meeting, although contract payments could be paid. Chairman Rattner said the matter could be discussed further at the next MSA meeting and approved. Mr. Schwab said the paid bills could be indicated on the voucher list at the monthly meetings. Mr. Joss noted that a resolution can be passed at the beginning of each year memorializing the pre-approved payments.

**Resolution No. 14-11 Awarding a Contract to BioTriad for Waterless Vapor Phase Odor Control Products in Accordance with N.J.S.A. 40A:11-6.1, was moved by Mr. Pucilowski, seconded by Mr. Schwab and the affirmative roll call vote of members present.**

**RESOLUTION NO. 14-11**

**Resolution of the Musconetcong Sewerage Authority  
Awarding a Contract to BioTriad for Waterless Vapor Phase  
Odor Control Products in Accordance with N.J.S.A. 40A:11-6.1**

WHEREAS, N.J.S.A. 40A:11-6.1 provides for all contracts that in aggregate are less than the bid threshold of Thirty Six Thousand (\$36,000.00) Dollars per year, but more than Five Thousand Four Hundred (\$5,400.00) Dollars, the contracting agent shall award the contract after soliciting at least two (2) competitive quotations if practical; and

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "MSA") has solicited the following quotations for exterior atmospheric odor control:

	<u>Per Year</u>
1. BioTriad 273 Center Road Stroudsburg, PA 18360-7724	\$13,200.00
2. Fort Bend Services, Inc. 13303 Redfish Stafford, TX 77477	\$21,166.00
3. AJ Chemical, LLC 377 Old South Rd Duncan, SC 29334	\$24,066.00

WHEREAS, the bid of BioTriad is the lowest bid; and

WHEREAS, MSA desires, and BioTriad agrees, that the Contract shall be for one (1) year for the period from April \_\_\_\_\_, 2014 through April \_\_\_\_\_, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that a Contract is hereby awarded to BioTriad on its bid of \$13,200.00 per year to provide atmospheric odor control as detailed in its Quotation for one (1) year for a total amount of \$13,200.00; and be it

FURTHER RESOLVED, that the amount of the Contract shall not exceed \$13,200.00 without further approval from the Musconetcong Sewerage Authority, and the Musconetcong Sewerage Authority shall not be liable to pay any amount over and above \$13,200.00 without prior written approval; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute the Contract with BioTriad on behalf of the Musconetcong Sewerage Authority.

**Resolution No. 14-12 Authorizing James Schilling to Accept and Authorize a Contract to be Signed for Electric Supply Service for the Musconetcong Sewerage Authority as a Result of Competitive Bidding Pursuant to Local Public Contracts Law, N.J.S.A. 40A:11, et seq., was moved by Mr. McNeilly, seconded by Mr. Schwartz and the affirmative roll call vote of members present.**

**RESOLUTION NO. 14-12**

**Resolution of the Musconetcong Sewerage Authority  
Authorizing James Schilling to Accept and Authorize  
a Contract to be Signed for Electric Supply Service  
for the Musconetcong Sewerage Authority as a  
Result of Competitive Bidding Pursuant to Local  
Public Contracts Law, N.J.S.A. 40A:11, et seq.**

WHEREAS, effective August 1, 2003, the Electric Discount and Energy Competition Act (P.L. 1999, c23) allowed the Musconetcong Sewerage Authority to arrange for the purchase of electricity service on a retail basis; and

WHEREAS, the MSA is a Member of the New Jersey Sewage and Municipal Utilities Electrical Supply Aggregation (NJSMUAESA) a voluntary and informal association of public sewage and environmental authorities formed for the purpose of a joint purchasing consortium for electrical supply service; and

WHEREAS, NJSMUAESA will be receiving bids for aggregated electric power supply on a full requirement service basis for participating members on April 8, 2014; and

WHEREAS, NJSMAESA will report to the MSA the lowest responsible bid to provide the electrical service requirement; and

WHEREAS, it is necessary for the MSA to be bound by the issued Notice of Award pertaining to the bid ground, and to designate an individual to accept and authorize a contract to be signed which will make said commitment on behalf of the MSA.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that it hereby agrees to be bound by the issued Notice of Award by the NJSMAESA on April 8, 2014, and hereby authorizes James Schilling, MSA Director, to accept the Notice of Award and to bind MSA to enter into a formal contract.

Resolution No. 14-13 Authorizing Director James Schilling to Submit Annual Effluent Monitoring Report to the Delaware River Basin Commission, was moved by Mr. Sylvester, seconded by Mr. McNeilly and the affirmative roll call vote of members present.

#### RESOLUTION NO. 14-13

##### Resolution of the Musconetcong Sewerage Authority Authorizing Director James Schilling to Submit Annual Effluent Monitoring Report to the Delaware River Basin Commission

WHEREAS, the Musconetcong Sewerage Authority has been issued a docket regarding its operations (Docket No. D-2002-40 CP) by the Delaware River Basin Commission ("DRBC"); and

WHEREAS, pursuant to said Docket the MSA is required to submit Effluent Monitoring Reports to the DRBC; and

WHEREAS, the DRBC has requested that the Effluent Monitoring Reports now be submitted on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Director James Schilling is authorized to sign and submit the Annual Effluent Monitoring Report for the Year 2013 to the Delaware River Basin Commission; and

BE IT FURTHER RESOLVED, that the Annual Effluent Monitoring Report for 2013 shall refer to the stay of enforcement issued by NJDEP which is currently in effect.

Mr. Benson reported that he attended the JIF insurance meeting. One of the topics discussed was storage tanks and JIF is not going to cover non-regulated storage tanks. He discussed the topic with Mr. Schilling. The MSA has three storage tanks. The tanks are tested regularly, so they are covered by JIF. Mr. Schilling explained the regulations some more. He reiterated that the three MSA tanks are regulated and insured. Chairman Rattner also suggested to follow up with the MSA Risk Manager.

Mr. Benson also said the expiration date on the MSA Risk Manger contract needed to be changed to extend it one month so that it can be updated with the JIF requirements and there will be no gaps in the contract. Mr. Schilling said that he will look into the matter. Mr. Rattner said maybe there could be a carry-over on the contract.

Mr. Benson also reported that the MSA needed to update the EPL checklist. Mr. Schilling said he would like to challenge that and he did not believe that the MSA was non-compliant with the EPL checklist.

Mr. Schwartz asked about the transfer of ownership of the Mount Olive meter chamber and the letter Mr. Schilling sent to the Township. Chairman Rattner stated that there was an odor problem in the area of the meter chamber and he had received complaints. He also said that there was a major development planned for the area and the odor is causing problems for the developer. He discussed the matter with Mr. Schilling. Mr. Schilling thinks it is probably the Mount Olive and Wills Brook interceptor which is at the same location as the meter chamber. Chairman Rattner discussed the history and past issues in the area. He said there has not been any decisions made as yet. The odor problem must be located before anything can be accomplished. Mr. Schilling said he firmly believed that the source of odors in that area is primarily from the Mount Olive meter chamber. He believed the problem is because the meter chamber is not being maintained or operated properly. He thinks the MSA is best equipped to maintain the meter chamber. He said that the decision cannot be made until the upgrades that are needed are identified along with the associated costs. He explained that the comminutor has not worked for the past few years and explained problems that are caused from that. After upgrades are accomplished the MSA could take over ownership and the costs to maintain the meter chamber would be minimal. The MSA would be responsible to clean and pump it out periodically. He said the MSA Staff is experienced and dedicated enough to manage and operate the meter chamber properly. The commissioners discussed the requirements needed in order for the MSA to take ownership of the meter chamber and the responsibilities. Mr. Schwartz said if the MSA takes over ownership then the odor problem becomes the MSA's responsibility. He suggested that Mount Olive upgrade the meter chamber to MSA standards and provides a service contract with the MSA to maintain the meter chamber. Mr. Purcell said that the interceptor to that meter chamber is the odor generator and he suggested that Mount Olive televise, inspect and clean the interceptor because he believed there is deposition and blockage in the interceptor. The meter chamber is where the odor comes out of, but the odor is caused by septicity in the interceptor and the approach should be to see what is in the interceptor. The commissioners discussed who should be responsible to do the work and other possible contributors to the odor problem. They also discussed if any state, local or county agencies would need to be involved or notified. Mr. Purcell suggested a

meeting be held with Mount Olive Staff and MSA Staff to inspect some of the manholes in the area. Mr. Schilling said he has suggested a meeting to Mount Olive and has had no response. Chairman Rattner said he would call the Mount Olive Business Administrator to discuss the odor problem and explain the situation and possible solutions.

Mr. Joss left the meeting at 9:00 PM.

Motion made by Mr. Keiser, seconded by Mr. Sylvester and the affirmative roll call vote of members present for the commissioners to go into closed session at 9:00 PM:

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9) permits the exclusion of the public from meeting in certain circumstances;

**WHEREAS**, the Commissioners of the Musconetcong Sewerage Authority is of the opinion that such circumstances exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Musconetcong Sewerage Authority as follows:

1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows: Litigation

The above subject matter will be made public as soon therefore as it is deemed to be in the public interest.

Motion to reopen the meeting to the public at 9:36 PM was offered by Mr. Keiser, seconded by Mr. McNeilly and the affirmative vote of members present.

Chairman Rattner discussed S.1240 and Assembly 2852. He was told by staff at the Morris County Planning Board that the synopsis provides a new highlands act exemption and clarifies municipal planning or zoning authority for commercial developments along commercial corridors in the highlands regions.

Mr. Schwab noted that a personnel meeting would need be held in the near future.

Motion made by Mr. Keiser, seconded by Mr. Schwartz and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 9:37 PM.

Respectfully Submitted:



Susan Grebe,  
Administrative Assistant