

REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY

Chairman Rattner called the meeting to order at 7:30 PM. Following the Pledge of Allegiance to the Flag, 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, Thomas Bruno, Andrew Cangiano, Michael Grogan, Brian McNeilly, Melanie Michetti, Steven Rattner, Richard Schindelar, Joseph Schwab, John Sylvester
- MEMBERS ABSENT:** James Benson, Michael Pucilowski
- OTHERS PRESENT:** Patrick Dwyer Esq., John Scheri PE, Debbie Palma QPA, James Schilling MSA Director, Susan Grebe Administrative Assistant

Chairman Rattner opened and closed the meeting to the public.

The regular meeting minutes of October 26, 2017 were approved on a motion offered by Mr. Schwab, seconded by Mr. Sylvester. Roll Call:

Mr. Bates	Yes	Mrs. Michetti	Yes
Mr. Benson	Absent	Mr. Pucilowski	Absent
Mr. Bruno	Abstain	Mr. Rattner	Yes
Mr. Cangiano	Yes	Mr. Schindelar	Abstain
Mr. Grogan	Yes	Mr. Schwab	Yes
Mr. McNeilly	Yes	Mr. Sylvester	Yes

The closed session meeting minutes of October 26, 2017 were approved on a motion offered by Mr. Sylvester, seconded by Mr. Grogan. Roll Call:

Mr. Bates	Yes	Mrs. Michetti	Yes
Mr. Benson	Absent	Mr. Pucilowski	Absent
Mr. Bruno	Abstain	Mr. Rattner	Yes
Mr. Cangiano	Yes	Mr. Schindelar	Abstain
Mr. Grogan	Yes	Mr. Schwab	Yes
Mr. McNeilly	Yes	Mr. Sylvester	Yes

The Expenditures/Treasurer's Report of November 1, 2017 was accepted on a motion offered by Mr. McNeilly, seconded by Mr. Schindelar and the affirmative roll call vote of members present.

Treasurer's Report- November 1, 2017
Operating Account

Balance as of October 1, 2017:		<u>\$ 1,100,881.76</u>
Receipts (October):		
Hospitalization	2,263.16	
Municipal Revenue	373,334.78	
		<u>\$ 375,597.94</u>
		<u>\$ 1,476,479.70</u>

Disbursements (October):

NJSHBP	\$13,501.02
Administrative Salaries	\$7,245.95
Operating Salaries	\$23,823.76
Unemployment	\$53.92
Social Security	\$2,395.81
Administrative Salaries	\$6,008.95
Operating Salaries	\$24,208.33
Unemployment	\$53.92
Social Security	\$2,330.60
ADP	\$535.96
AEA (conf)	\$3,630.00
Accurate Waste	\$12,300.00
Scott Allen (mileage reimb)	\$69.87
American Wear	\$607.28
Allmax Software	\$880.00
Atlantic Tomorrow	\$487.03
Nicholas Barbato (dental reimb)	\$605.20
Vince Barbato (dental reimb)	\$726.24
Donald Bates (AEA conf)	\$406.00

Bear & Drive Solutions	\$1,918.72
James Benson (AEA conf)	\$406.00
Blue Diamond Disposal	\$297.70
Caesars Atlantic City (AEA conf)	\$2,646.00
Andrew Cangiano (AEA conf)	\$406.00
Cintas First Aid	\$92.42
Cleary Giacobbe	\$2,170.00
Constellation New Energy	\$13,461.02
Coyne Chemical	\$8,799.73
Daily Record	\$81.64
Divita Balance Services	\$340.00
Eurofins QC Labs	\$372.00
Fisher Scientific	\$249.03
Fleet Pump	\$482.26
Franks Trattoria	\$47.53
Gralnger	\$3,251.09
Susan Grebe (disability & petty cash)	\$150.27
Michael Grogan (AEA conf)	\$406.00
Hach Co.	\$212.21
JCP&L	\$9,209.07
Corey Jozowski (mileage reimb)	\$32.64
Konecranes	\$2,850.00
Lackawanna Computer Repair	\$1,062.00
Loftus Electric	\$4,350.00
Lowe's	\$87.30
Brian McNeilly (AEA conf)	\$700.00
Mott MacDonald	\$1,092.50
NJ American Water	\$792.78
NJ LM (AEA conf)	\$330.00
Netcong Hardware	\$17.98
Nusbaum Stein	\$1,434.40
Office Concepts Group	\$319.00
One Call Concepts	\$50.00
Pan Metro	\$600.00
Parkhurst Distribution	\$794.80
Passaic Valley Sewerage Commission	\$45,264.00
The Plumbing Store	\$71.27
Michael Pucilowski (AEA conf)	\$406.00
Pump Service	\$2,770.00
R-D Trucking	\$20,160.00
Steven Raltner (AEA conf)	\$406.00
James Schilling (AEA conf & mileage)	\$592.71
Service Tire Truck Center	\$600.00
Richard Schindelar (AEA conf)	\$406.00
Joseph Schwab (AEA conf)	\$406.00
Shell Fleet Plus	\$350.92
Staples	\$749.65
State Industrial Products	\$571.50
USA Bluebook	\$4,942.22
United Federated Systems	\$677.00
Verizon	\$739.93
Verizon Communications	\$74.50
Verizon Wireless	\$225.20

Total Disbursements for October:	\$ 238,794.83
Balance as of November 1, 2017:	\$ 1,237,684.87

RENEWAL & REPLACEMENT ACCOUNT

Balance as of October 1, 2017:	\$ 531,798.02
Receipts:	0.00
Disbursements: Mott MacDonald (Contracts 260 & 265)	817.06
Balance as of November 1, 2017:	\$ 530,980.96

ESCROW ACCOUNT

Balance as of October 1, 2017:	\$ 6,370.30
Receipts:	0.00
Disbursements: Morris Habitat for Humanity (Wallman Way, Mt. Olive)	368.00
Balance as of November 1, 2017:	\$ 6,002.30

CAPITAL IMPROVEMENT/RESERVE FOR RETIREMENT ACCOUNT

Balance as of October 1, 2017:	\$ 1,278,627.03
Receipts:	0.00
Disbursements: Mott MacDonald (Headworks)	654.60
Balance as of November 1, 2017:	<u>\$ 1,277,972.43</u>

ANALYSIS OF BALANCES:

Capital Improvement	\$ 1,227,972.43
Reserve for Retirement	\$ 50,000.00

EXPENDITURES REPORT - 2017 BUDGET

11/1/17

	2017	YEAR-TO-DATE		%
	BUDGET	EXPENDITURES	BALANCE	REMAINING
Admin - Salaries and Wages	\$165,000.00	\$134,349.94	\$30,650.06	18.58%
Trustee Admin Fees	\$20,000.00	\$15,030.00	\$4,970.00	24.85%
Administrative - Other Expenses	\$40,000.00	\$31,434.90	\$8,565.10	21.41%
Legal	\$30,000.00	\$20,672.20	\$9,327.80	31.09%
Audit	\$10,000.00	\$0.00	\$10,000.00	100.00%
Englneer	\$30,000.00	\$6,081.09	\$23,918.91	79.73%
Pension	\$90,000.00	\$3,010.54	\$86,989.46	96.65%
Social Security	\$68,000.00	\$53,983.78	\$14,016.22	20.61%
Unemployment	\$7,000.00	\$5,828.04	\$1,171.96	16.74%
Hospitalization	\$228,500.00	\$144,484.04	\$84,015.96	36.77%
Disability Insurance	\$10,000.00	\$6,617.93	\$3,382.07	33.82%
Operating - Salaries and Wages	\$700,000.00	\$549,681.50	\$150,318.50	21.47%
Reserve for Future Retirement	\$0.00	\$0.00	\$0.00	100.00%
Telephone	\$20,000.00	\$15,618.54	\$4,381.46	21.91%
Electric	\$500,000.00	\$268,198.49	\$231,801.51	46.36%
Propane/Fuel Oil/ Gasoline	\$40,000.00	\$9,561.82	\$30,438.18	76.10%
Supplies/Chemicals	\$160,000.00	\$132,088.21	\$27,911.79	17.44%
Laboratory Supplies	\$12,000.00	\$2,769.50	\$9,230.50	76.92%
Office	\$25,000.00	\$17,028.93	\$7,971.07	31.88%
External Services	\$70,000.00	\$53,373.72	\$16,626.28	23.75%
Education/Training	\$20,000.00	\$6,321.05	\$13,678.95	68.39%
Laboratory Fees	\$30,000.00	\$12,178.86	\$17,821.14	59.40%
Maintenance/Repairs	\$150,000.00	\$135,145.95	\$14,854.05	9.90%
Insurance	\$110,000.00	\$97,149.97	\$12,850.03	11.68%
NJDEP Fees	\$25,000.00	\$21,607.07	\$3,392.93	13.57%
Permit/Compliance Fees	\$25,000.00	\$468.60	\$24,531.40	98.13%
Equipment	\$60,000.00	\$30,563.02	\$29,436.98	49.06%
Sludge Removal	\$700,000.00	\$527,448.00	\$172,552.00	24.65%
Contingency	\$25,000.00	\$0.00	\$25,000.00	100.00%
Capital Improvement	\$200,000.00	\$150,000.00	\$50,000.00	25.00%
Renewal and Replacement	\$200,000.00	\$150,000.00	\$50,000.00	25.00%
TOTAL	\$3,770,500.00	\$2,606,523.73	\$1,163,976.27	30.87%

Mr. Schwab explained there was a correction to the payment for Bearing Drive Solutions. The pending vouchers for the month of November, as amended, were approved for payment on a motion offered by Mr. Schwab, seconded by Mr. McNeilly and the affirmative roll call vote of members present.

RENEWAL & REPLACEMENT ACCOUNT

JEV Construction	\$3,200.00
Nusbaum Stein	\$209.00

OPERATING ACCOUNT

ADP	\$404.35
Scott Allen (eye, work boot & mileage reimbursement)	\$495.79
American Wear	\$1,086.64
AmeriGas Propane	\$518.18
Aqua Pro-Tech Labs	\$110.00
Nicholas Barbato (eye reimbursement)	\$204.97
Vince Barbato (work boot reimbursement)	\$135.00
Bearing & Drive Solutions	\$8,097.91
Patrick Blasi (dental reimbursement)	\$726.24
Anthony Chaaya (work boot reimbursement)	\$150.00
Cleary Giacobbe	\$560.00
Constellation New Energy	\$16,048.42
Coyne Chemical	\$4,986.55

Daily Record	\$81.64
Keith DeFazio (eye reimbursement)	\$580.60
Eurofins QC Labs	\$629.00
Fisher Scientific	\$1,148.33
Grainger	\$496.62
Susan Grebe (eye & mileage reimbursement)	\$129.32
Hach Co.	\$1,075.06
JCP&L	\$11,085.52
Lowe's	\$270.95
MSA Payroll 11/3/17	\$33,135.80
MSA Payroll 11/17/17	\$32,039.74
McMaster-Carr	\$255.97
NJSHBP	\$14,506.46
NJ American Water	\$819.39
Napa Auto Parts	\$66.43
Netcong Hardware	\$2.70
Northeast Industrial Tech	\$3,516.89
Nusbaum Stein	\$2,285.40
Office Concepts	\$291.28
One Call	\$45.00
PCS Pump	\$6,230.00
Pegasus Electric Motors	\$2,175.00
Polydyne	\$1,508.40
R-D Trucking	\$14,400.00
R&J Control	\$551.50
R&R Pump & Control Service	\$2,580.00
Safety-Kleen Systems	\$209.00
James Schilling (mileage reimb)	\$124.00
Shell Fleet	\$304.74
Stanhope Hose Co. #1	\$100.00
Star Ledger	\$210.90
Tractor Supply	\$749.98
Treasure, State of NJ	\$1,000.00
TruTech, LLC	\$5,987.00
USA Blue Book	\$95.16
Verizon Communications	\$70.19
Verizon Wireless	\$225.20
Zep (applaud hand soap)	\$265.75

Chairman Rattner noted that authorization by the commissions would have to be made regarding the settlement agreement from the NJDEP before he signed the agreement. The following correspondence for the month of November was received and filed on a motion offered by Mr. McNeilly, seconded by Mr. Bates and the affirmative vote of members present.

- A. 10/31/17 NJDEP - Laboratory Certification - Schedule of On-Site Audit
- B. 11/2/17 John Hansen, PE. - TWA Approval for Crownpoint Multi-Unit Redevelopment Bank Street, Netcong
- C. 11/8/17 NJDEP Water Compliance & Enforcement - Settle Agreement, Water Quality Program
- D. 11/9/17 CNA - NJ JIF Insurance Claim Investigation
- E. 11/15/17 NJDEP - Draft NJ Pollutant Discharge Elimination System (NJPDES) Permit
- F. 11/16/17 Division of Local Government Services - 2018 Budget Submittal

Mr. Schilling asked if the commissioners had reviewed his monthly report and if anyone had any questions or comments.

Mr. Schilling reported that the energy audit will begin on November 30th.

Mr. Schilling also updated the commissioners on the progress of Contract #265. JEV construction is doing a great job along with the MSA staff to complete the project.

Lastly, Mr. Schilling reported that the Authority received bids for the DelPak 1525 earlier that day. Two bids were received. There was a 51.7 cents difference between the two bids. USALCO was the low bidder. Kemira submitted the higher bid received. Chairman Rattner asked if Mr. Schilling would follow-up with Coyne Chemical to see why the Authority did not receive a bid from them.

Chairman Rattner asked about the sludge hauling bid. Mr. Schilling explained that currently the MSA pays \$36.00 per 1,000 gallons. In 2018 the cost will be \$35.50 per gallon, but disposal costs will be going up \$1.00. In total sludge removal and disposal will be increasing by 50 cents per 1,000 gallons in 2018. The contract has a two year term with a possible two year renewal.

The Director's Report for the month of November was accepted on a motion offered by Mr. Sylvester, seconded by Mr. Schwab and the affirmative vote of members present.

The Repairs and Maintenance Report for the month of November was accepted on a motion offered by Mr. Schindelar, seconded by Mr. Bruno and the affirmative vote of members present.

Mr. Scheri reported that Mott MacDonald met with the MSA Staff and reviewed the Capital Improvement Plan. Mott MacDonald will be reviewing and providing assistance on the budget cost estimates for the proposed projects.

Mr. Scheri also reported that he received a TWA application and plans from Crownpoint Development for a proposed project on Bank Street in Netcong. Mott MacDonald agrees with their flow calculation of approximately 24,000 gallons per day. Mott MacDonald has some technical comments which they will be sending to the applicant next week. He expects a revised package will be submitted for consideration and endorsement at the MSA's December 21st meeting.

Mr. Scheri reported on Contract #260. The Authority has operational benefit of the contract. Currently, they are waiting for some additional materials to complete the work and the contract can be closed out.

Mr. Scheri reported on Contract #265. Aeration Basin No. 3 was put back into service. The contractor received a delivery that day which will allow him to complete Aeration Basin No. 3 work. After that work is complete, the contractor will be able to begin work in Aeration Basin No. 2, which should be completed in a couple of weeks. The work is expected to be completed before the end of the year.

Mr. McNeilly noted that a resolution would need to be prepared for the meeting next month to authorize endorsement of the Crownpoint Development project TWA Consent Forms.

The Engineer's Report for the month of November was accepted on a motion offered by Mr. Schindelar, seconded by Mr. Grogan and the affirmative vote of members present.

Resolution No. 17-41 Authorizing the Hiring of Corey Jozowski as an Operator, was moved by Mr. Schwab, seconded by Mr. Schindelar and the affirmative roll call vote of members present.

RESOLUTION NO. 17-41
Resolution of the Musconetcong Sewerage Authority
Authorizing the Hiring of Corey Jozowski as an Operator

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "Authority") has a need to properly staff its facility in order to ensure its good and continuous operations; and

WHEREAS, the Authority has a need to hire an Operator due to retirements and/or other staffing needs; and

WHEREAS, the Authority did make known its need for a trained and licensed Operator by advertising the position; and

WHEREAS, the Authority did receive an application for employment from Corey Jozowski; and

WHEREAS, the Authority did confirm that Corey Jozowski met the qualifications for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Corey Jozowski was hired by the Authority for the position of Operator with a start date on June 5, 2017; and it is

FURTHER RESOLVED, that the said employment of Corey Jozowski shall be subject to the terms of the Collective Bargaining Agreement in effect as of June 5, 2017.

Resolution No. 17-42 Authorizing the Hiring of Anthony Chaaya as an Operator, was moved by Mr. Schindelar, seconded by Mr. Bruno and the affirmative roll call vote of members present.

RESOLUTION NO. 17-42
Resolution of the Musconetcong Sewerage Authority
Authorizing the Hiring of Anthony Chaaya as an Operator

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "Authority") has a need to properly staff its facility in order to ensure its good and continuous operations; and

WHEREAS, the Authority has a need to hire an Operator due to retirements and/or other staffing needs; and

WHEREAS, the Authority did make known its need for a trained and licensed Operator by advertising the position; and

WHEREAS, the Authority did receive an application for employment from Anthony Chaaya; and

WHEREAS, the Authority did confirm that Anthony Chaaya met the qualifications for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Anthony Chaaya was hired by the Authority for the position of Operator with a start date on August 28, 2017; and it is

FURTHER RESOLVED, that the said employment of Anthony Chaaya shall be subject to the terms of the Collective Bargaining Agreement in effect as of August 28, 2017..

Resolution No. 17-43 Awarding Contract No. SH-18 to Accurate Waste Systems, was moved by Mr. Cangiano, seconded by Mr. Bates and the affirmative roll call vote of members present.

RESOLUTION NO. 17-43
Resolution of the Musconetcong Sewerage Authority
Awarding Contract No. SH-18 to Accurate Waste
Systems, Inc., to Pump and Transport Sludge from
the Musconetcong Sewerage Treatment Plant to
Passaic Valley Sewerage Commission

WHEREAS, on October 25, 2017, the Musconetcong Sewerage Authority received the following bids to pump sewage sludge from Musconetcong Sewerage Authority (hereinafter "MSA") sewage treatment plant on a periodic basis and transport and unload the sludge in compliance with all appropriate regulations to the Passaic Valley Sewerage Commission, 600 Wilson Avenue, Newark, New Jersey - Contract SH-18:

<u>Company Name</u>	<u>2/15/18 - 2/14/19</u>	<u>2/15/19 - 2/14/20</u>
Accurate Waste Systems, Inc. United Site Services HQ 118 Flanders Road Westborough, MA 01581	\$35.50 per 1,000 gallons	\$35.50 per 1,000 gallons
Coppola Services 28 Executive Parkway Ringwood, NJ 07456	\$53.00 per 1,000 gallons	\$53.00 per 1,000 gallons
R-D Trucking, Inc. Attn: Ray Barnitt 1874 Route 23 North West Milford, NJ 07480	\$36.50 per 1,000 gallons	\$36.50 per 1,000 gallons
Russell Reid & Mr. John Attn: David Dam 450 Raritan Center Parkway Edison, NJ 08837	\$61.84 per 1,000 gallons	\$61.84 per 1,000 gallons
Spectraserv Inc. 75 Jacobux Ave. Kearny, NJ 07032	\$46.00 per 1,000 gallons	\$46.00 per 1,000 gallons

WHEREAS, the Commissioners of the Musconetcong Sewerage Authority hereby make the following findings of fact:

1. Accurate Waste Systems Inc., submitted the lowest bid for Contract No. SH-18 for the periods:
 - a. 2/15/18 - 2/14/19; \$35.50 per 1,000 gallons;
 - b. 2/15/19 - 2/14/20; \$35.50 per 1,000 gallons
2. Accurate Waste Systems, Inc., is a conforming bid in that it complied with all of the requirements of the Notice to Bidders and submitted all of the required documents, namely:
 - a. Consent of Surety;
 - b. Bid Bond;
 - c. Public Works Contractor's Registration Act;
 - d. Business Registration Certificate;
 - e. Non-collusion Affidavit;
 - f. Affirmative Action/Questionnaire;
 - g. Solid Waste Transporter License;
 - h. Mandatory Affirmative Action Language;
 - i. Ownership Statement Compliance; and
 - j. Contractor Certification and Disclosure of Political Contribution; and

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Contract No. SH-18 to pump liquid sewage sludge from the MSA treatment plant on a periodic basis and transport and unload the sludge in compliance with all appropriate regulations at the Passaic Valley Sewerage Commission, 600 Wilson Avenue, Newark, New Jersey is hereby awarded to Accurate Waste Systems, Inc., on its bid of: a) \$35.50 per 1,000 gallons for the period from 2/15/18 to 2/14/19; b) \$35.50 per 1,000 gallons for the period from 2/15/19 to 2/14/20; and be it

FURTHER RESOLVED, that the Secretary is hereby authorized and directed to return the bid bonds of all of the unsuccessful bidders upon receipt of the fully executed Contract and other required documents from Accurate Waste Systems, Inc.; and be it

FURTHER RESOLVED, that Steven Rattner as Chairman or James Schilling as Director is hereby authorized to execute a Contract with Accurate Waste Systems, Inc., on behalf of the Musconetcong Sewerage Authority.

Resolution No. 17-44 Authorizing a Retroactive Salary Increase for MSA Director James Schilling, was moved by Mr. Sylvester, seconded by Mr. Cangiano and the affirmative roll call vote of members present.

RESOLUTION NO. 17-44
Resolution of the Musconetcong Sewerage Authority
Authorizing a Retroactive Salary Increase for Employee
James Schilling for Year 2017

WHEREAS, James Schilling, (hereinafter "Employee"), having been employed by the Musconetcong Sewerage Authority (hereinafter "Authority") as a Director during the calendar year 2016; and

WHEREAS, the Authority having conducted a performance review for services rendered by Employee during 2016; and

WHEREAS, having conducted such review the Authority has determined to increase the Employee's yearly salary;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the yearly salary pay for Employee shall be changed as follows:

Increased Retroactively by two (2%) percent for Calendar Year 2017; and it is

FURTHER RESOLVED, that the Authority authorizes the payment of the above increase to the Employee, less any applicable deductions for payroll taxes or otherwise, and be it

FURTHER RESOLVED, that this payment of compensation has been authorized by the Commissioners of the Authority as a result of the Employee's performance during years 2016 and no promises or representations are made of similar increases in the future.

Resolution No. 17-45 Establishing 2018 Meeting Dates for the MSA, was moved by Mr. McNeilly, seconded by Mr. Schindelar and the affirmative roll call vote of members present.

RESOLUTION NO. 17-45
Resolution Establishing Meeting Dates
for the Musconetcong Sewerage Authority
for the Calendar Year 2018

WHEREAS, the Musconetcong Sewerage Authority ("MSA") hereby establishes the following meeting dates for the Calendar Year 2018, which meetings will begin at 7:30 p.m. and will be held at the MSA's Water Pollution Control Facilities located at 110 Continental Drive in Budd Lake, New Jersey:

January 25th
February 22nd (Reorganization @ 7:30 PM followed by Regular Meeting)
March 22nd
April 26th
May 24th
June 28th
July 26th
August 23rd
September 27th
October 25th
November 20th (Tuesday after the AEA Conference)
December 20th (Third Thursday - before the Holidays)

Resolution No. 17-46 Approving 2017 Budget Transfers, was moved by Mr. Schwab, seconded by Mr. Bruno and the affirmative roll call vote of members present.

**RESOLUTION NO. 17-46
MUSCONETCONG SEWERAGE AUTHORITY
2017 BUDGET TRANSFERS**

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the current fiscal year,

PENSION
SLUDGE
MAINTENANCE & REPAIRS

WHEREAS, there appears to be a surplus in the following accounts over and above the demands deemed to be necessary for the balance of the current fiscal year,

HOSPITALIZATION
ELECTRIC

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provision of N.J.A.C. 5:31-2.8, part of the surplus in the amounts heretofore mentioned above, be hereby transferred to the accounts mentioned as being insufficient, to meet the current demands, and,

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized and directed to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
HOSPITALIZATION	PENSION	\$ 10,000.00
ELECTRIC	SLUDGE	\$ 25,000.00
ELECTRIC	MAINTENANCE & REPAIRS	\$ 25,000.00

Chairman Rattner asked about the lab contract and if an error was made could the lab be held responsible. Mr. Dwyer responded that it was stated in the lab contract. The commissioners briefly discussed the lab testing error for the exceedance. Mrs. Michetti explained that the data sent to the NJDEP by the lab is the only data the DEP can use to make their determination. The Authority understands that there has never been an exceedance before, not even close to an exceedance, but the data has been sent, time has elapsed, and the lab contract has been terminated. If the lab contract had not been terminated the Authority could have asked the lab for proof of the exceedance. Mr. Scheri further explained about the Settlement Agreement with the NJDEP and that the exceedance occurred back in June. The contract with the lab has since been terminated. The resolution can reflect that the exceedance is an outlier result.

Resolution No. 17-47 Authorizing MSA Chairman Steven Rattner to Sign the Settlement Agreement with the NJDEP for a Permit Exceedance, was moved by Mr. Rattner, seconded by Mrs. Michetti and the affirmative roll call vote of members present.

**RESOLUTION NO. 17-47
AUTHORIZING EXECUTION OF A SETTLEMENT
AGREEMENT WITH NJDEP FOR A PERMIT EXCEEDANCE**

WHEREAS the Musconetcong Sewerage Authority ("MSA") owns and operates a sewerage treatment facility at 110 Continental Drive North, Budd Lake, NJ; and

WHEREAS MSA has been issued a New Jersey Pollutant Discharge Elimination System permit from the New Jersey Department of Environmental Protection ("NJDEP") (Permit No. NJ0027821) (the "Permit"); and

WHEREAS pursuant to its Permit MSA is allowed to discharge treated and disinfected domestic wastewater into the Musconetcong River; and

WHEREAS the Permit sets forth specific limits upon the amount of certain identified parameters which may be included in the discharge; and

WHEREAS the MSA is required to submit Monitoring Reports to the NJDEP to monitor its discharge; and

WHEREAS the Monitoring Report for June, 2017 evidenced an exceedance for Biological Oxygen Demand (BOD5) which has a limit of 8 mg/L and was reported at 12.61 mg/L; and

WHEREAS the MSA has never exceeded its permit limits before; and

WHEREAS the MSA believes the reported exceedance was an outlier and not accurately reported; and

WHEREAS the MSA nonetheless acknowledges that the reported amount exceeded the Permit limits; and

WHEREAS NJDEP has alleged that MSA is liable for a civil administrative penalty; and

WHEREAS the MSA and NJDEP have discussed the matter and agreed to a potential settlement; and

WHEREAS as part of the proposed settlement NJDEP has agreed to assess a civil administrative penalty in the amount of \$1,000 which is the minimum amount allowed pursuant N.J.A.C. 7:14-8.1(a)(2); and

WHEREAS MSA believes it is in the best interest of the Authority and its Members to settle this matter without costly and time-consuming litigation;

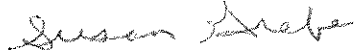
NOW, THEREFORE, BE IT RESOLVED by the Members of the Board of the Musconetcong Sewerage Authority that the Authority is hereby authorized to enter into a Settlement Agreement with NJDEP for the exceedance identified. MSA shall pay the sum of One Thousand (\$1,000) Dollars to NJDEP within thirty (30) days after execution of a written Settlement Agreement; and

BE IT FURTHER RESOLVED by the Authority that Steven Rattner, the Authority's Chairman, is authorized to execute the Settlement Agreement with NJDEP upon the terms outlined herein.

Mr. Schwab discussed the item in Mr. Schilling's report indicating that the MSA will be receiving a \$13,999.09 dividend for 2017 from JIF. The Authority usually applies the dividend as a credit towards the next year's assessment. Mr. Schwab made a motion to apply the 2017 \$13,999.09 dividend towards the JIF 2018 assessment, seconded by Mr. Schindelar and the affirmative roll call vote of members present.

Motion made by Mr. McNeilly, seconded by Mr. Schindelar and the affirmative vote of members present, Chairman Rattner adjourned the meeting at 8:01 PM.

Respectfully Submitted:



Susan Grebe,
Administrative Assistant