

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING
May 28, 2013

Chairman Davenport called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:00am.

Authority Members present: Robert Davenport, Richard Mach, and James Cannon.

ROLL CALL:	Mr. Mach	-	Present
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Present
	Mr. Davenport	-	Present

Also present: James Williams, Director of Operations; Brian Tipton, General Counsel; Jamie Banghart, Recording Secretary.

Pledge of Allegiance / Introductory Statement

Mr. Tipton made a statement regarding revisions to meeting minutes. The minutes need to be what was stated on the tape and can not be changed unless modified for clarification at a subsequent meeting. Mr. Williams suggested to the Board that each member receive a copy of the draft minutes when they are prepared for Freeholder distribution. This will enable revisions or questions on the draft minutes from the Board members to be checked against the tape prior to the next monthly meeting.

MINUTES

The modified minutes of the regular meeting of March 25, 2013 were presented for approval. **Mr. Mach** moved for acceptance of the minutes, seconded by **Mr. Cannon**.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

The modified minutes of the special meeting of April 8, 2013 were presented for approval. **Mr. Cannon** moved for acceptance of the minutes as presented, seconded by **Mr. Davenport**.

ROLL CALL:	Mr. Mach	-	Abstain
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

The minutes of the regular monthly meeting of April 22, 2013 were presented for approval. **Mr. Mach** moved for acceptance of the minutes as presented, seconded by **Mr. Cannon**.

ROLL CALL: Mr. Mach - Yes
 Mrs. Mackey - Absent
 Mr. Yanoff - Absent
 Mr. Cannon - Yes
 Mr. Davenport - Yes

The minutes of the Executive Session of April 22, 2013 were presented for approval. **Mr. Cannon** moved for acceptance of the minutes as presented, seconded by **Mr. Mach**.

ROLL CALL: Mr. Mach - Yes
 Mrs. Mackey - Absent
 Mr. Yanoff - Absent
 Mr. Cannon - Yes
 Mr. Davenport - Yes

CORRESPONDENCE

A letter dated May 3, 2013 from the DEP was presented to the Board. Mr. Williams stated that this letter is a routine compliance inspection of the landfill that the DEP performs on a monthly basis. This letter stated that the DEP found no violations during their inspection.

A letter from Oxford Township was presented to the Board. Mr. Williams stated that the Township of Oxford has requested that their fees be waived for the township clean up. Oxford Township provides the first responders (fire and rescue) in the event that an accident occurs at the landfill. The Board has waived these fees for approximately the last five years.

Mr. Mach made a motion to approve to waive the Township of Oxford fees from the spring 2013 cleanup, seconded by **Mr. Cannon**.

ROLL CALL: Mr. Mach - Yes
 Mrs. Mackey - Absent
 Mr. Yanoff - Absent
 Mr. Cannon - Yes
 Mr. Davenport - Yes

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

PRESENTATIONS

None

FACILITIES/RECYCLING

Mr. Williams stated that the treatment plant operations are continuing to run smooth. The Oxford Sewage Treatment plant has had some operational issues over the last month, unrelated to our leachate. We were asked to decrease our pumping for a period of time, which left us with no other option but to contact our hauling company to transport leachate to another facility. When this occurs, it causes us an unnecessary expense, especially when the issue was not related to our leachate discharge.

Mr. Mach suggested we look into a new revised agreement with PRMUA. Mr. Tipton stated that there is a potential conflict regarding any discussions about the PRMUA, since he is also their attorney. A discussion was held regarding concerns with the current agreement and indemnifications within that agreement. Mr. Cannon requested that the Board members each receive a copy of the most recent agreement with PRMUA for discussion at next month's meeting.

Landfill Operations are running smooth with no issues. Mr. Williams stated that the Essex Ash has been a benefit to us over the last several months. There are no issues with our heavy equipment. Mr. Williams stated that we do have an item in our capital budget for this year on our D7 Bulldozer to have the undercarriage rebuilt. This will be coming up in the next couple months.

The H2S Removal System is currently up and operational. The system is running great. Mr. Williams stated that we received our air permit last Thursday from the DEP. We are temporarily running the system during the day while our staff is here. Once the phone communication for the auto dialer is installed, then we will go to 100% operational.

Mr. Williams reported on the update of the Solar Panel Project. The application was sent to the BPU and we have been issued a case number. We do not have a date for the BPU June meeting. Once the meeting occurs and we are approved, the system will be activated.

Mr. Williams reported on the Household Hazardous Waste and Electronics Event held on April 28, 2013. The event was successful. We had around 800 customers during this four hour event. The electronics recycling has dramatically increased over the years versus the hazardous wastes side of the event.

FINANCE/PERSONNEL

Mr. Houck stated that the volumes are up largely from the Essex Ash. The cash balances are down because of the liner project which is wrapping up. Mr. Houck completed the trust agreements and sent them to Fulton Financial for their signatures. Once Mr. Houck receives the signed agreement from Fulton, he will need Mr. Davenport's signature. These signed agreements will then be sent to the DEP. Mr. Houck reworded the supplemental trust fund agreement and had Mr. Tipton review it. These changes reflect us (the PCFA) controlling the supplemental trust funds and the DEP controlling the standard agreement and the alternate agreement.

Mr. Houck suggested we advertise with more signs the acceptance of credit cards at our facility. Mr. Williams will get a sign to advertise the acceptance of Visa, Master, and Discover credit cards to hang on the gate.

Mr. Mach made a motion to approve the Resolution To Pay Bills (R-05-01-13) [\$564,637.77], seconded by **Mr. Cannon**.

Mr. Cannon had a few questions regarding the bills. He questioned on the overtime that is budgeted. Mr. Williams stated that the only overtime that is accrued is Saturdays or if employees are called in. Mr. Cannon questioned the mileage for Mr. Camporine. Mr. Williams stated that he is the Recycling Coordinator for Warren County, and mileage is approved by Dave Dech.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

The resolution for the 2012 Annual Audit was presented to the Board for approval.

Mr. Cannon motioned to approve Resolution Approving the 2012 Annual Audit (R-05-02-13), seconded by **Mr. Mach**.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

There are no changes in the 2013 Waste Disposal Fee Schedule.

Mr. Davenport stated that there are two items, Waste Disposal Contract and Personnel, which will be discussed in Executive Session.

NEW BUSINESS

Mr. Williams spoke with Frank Wheatley in the Office of Emergency Management, regarding what assistance the PCFA may be able to provide to the County in the event of a catastrophic disaster. Mr. Wheatley referred Mr. Williams to Mr. Dech in the County Planning Department. The County is in the process of developing a plan for Emergency Management and what role the PCFA may be able to assist with in the future in the event of a disaster.

Mr. Williams provided the revised financial closure plan to the Board. He would like the Board to look over this revised plan. Mr. Mark Swyka will be at our June meeting and will give an overview of this revised plan before the plan is submitted to the DEP. Any questions or comments on the revised plan can be emailed to Mr. Williams who will then forward to Mr. Swyka.

Mr. Cannon inquired about the equipment companies that could be interested in any of the parts of the old H2S system. Mr. Williams has not been in contact with anyone thus far.

GENERAL COUNSEL'S REPORT

Mr. Tipton stated he has some comments and discussions on the Ash to Metal contract that will be discussed in Executive Session.

OTHER BUSINESS

None

CLOSING PUBLIC COMMENT

None

PRESS COMMENTS & QUESTIONS

None

EXECUTIVE SESSION

Mr. Cannon motioned to enter into Executive Session to discuss contract negotiations and personnel, seconded by **Mr. Mach**. Commencing at 9:58 am.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

Mr. Cannon motioned to come out of Executive Session, seconded by **Mr. Mach**.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

Regular session resumed at 11:48 am.

The results from Executive Session are as follows.

No action taken on the Personnel matter.

Mr. Tipton stated that the Board and Covanta discussed the following contractual terms:

- (1) Essex Ash Disposal Agreement beginning June 1, 2013 through December 31, 2014 at \$15.50 per ton.
- (2) Warren Ash Disposal Agreement beginning February 1, 2014 through December 31, 2015 at \$17.00 per ton.
- (3) Covanta to install a metal recovery system at the Warren County Landfill for the screening of the Essex/Warren Ash. An initial lump sum fee of \$25,000.00 is to be paid to the PCFA by Covanta when Covanta determines the date that the screening will commence. This will be the fee for the initial 90 day period. A second \$25,000.00 fee is to be paid to the PCFA by Covanta if the screening continues into day 91, and shall not exceed 180 days, unless future discussions and approvals have been established between the PCFA and Covanta.

Mr. Tipton stated that these agreements are pending Board approval. If approved, Mr. Tipton will need authorization from the Board to author the agreements, and submit to the Counsel of Covanta for final execution between both parties. Priority will be the Essex Ash Agreement since that will begin on June 1, 2013.

Mr. Cannon made a motion to direct Counsel to coordinate with the Counsel of Covanta for the agreements stated by Mr. Tipton above, for the exact prices and terms, seconded by **Mr. Mach**.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

ADJOURNMENT

With no other business to discuss, **Mr. Mach** motioned to Adjourn, seconded by **Mr. Davenport**, at 11:50 am.

ROLL CALL:	Mr. Mach	-	Yes
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

Respectfully submitted by:

Jamie Banghart
Recording Secretary

Approved: 06/24/13