

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING  
June 24, 2013

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

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

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

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

Pledge of Allegiance / Introductory Statement

### MINUTES

The minutes of the regular meeting of May 28, 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    | - | Abstain |
|            | Mr. Cannon    | - | Yes     |
|            | Mr. Davenport | - | Yes     |

The Executive Session Minutes of the regular monthly meeting of May 28, 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    | - | Abstain |
|            | Mr. Cannon    | - | Yes     |
|            | Mr. Davenport | - | Yes     |

### CORRESPONDENCE

A letter dated May 20, 2013 from the State of New Jersey regarding the landfill inspection was presented to the Board. Mr. Williams stated that they found no violations during their inspection in the month of April.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

PRESENTATIONS

None

FACILITIES/RECYCLING

All Board members received a copy of the “Draft” Financial Closure Plan from Mr. Mark Swyka. Mr. Swyka was present to report an overview of the draft, with the changes that have occurred. Mr. Swyka stated that what they have done with the draft is recalculated each one of the cost expenditure items associated with closure and each one of the cost expenditure items associated with post closure maintenance and monitoring of the landfill. Mr. Swyka stated the first round of revisions that they looked at was an update to the last Hatch Mott plan. When we updated that plan, everything was essentially in line. Based on the comments from the Authority, they went back and recalculated the different cost elements and focused on two specific items. The first is the decrease in the electrical utility cost due to the low cost solar electric. The second is the complete removal of the Lo-Cat System. We were able to free up some monies associated with those changes, and set aside monies for future liability insurance to purchase in the future. The funding allocation the Authority is making is adequate and falls in line with the state guide lines and should be appropriate to fully fund the closure and post closure plan. Mr. Swyka spoke with Freeholder Smith, and future liability with the County regarding the landfill was a concern with Freeholder Smith. Mr. Swyka stated that Freeholder Smith asked if we would consider the purchase of insurance for contingent events? Mr. Williams stated that we do have insurance for thirty years after the landfill is closed and the fund that Mr. Swyka and Freeholder Smith are suggesting is an insurance fund that would continue after the thirty year period is up. Mr. Swyka stated that the plan that is presented is the most comprehensive of all of the plans he has seen with respect to the elements that are covered in the funding levels. Mr. Swyka asked for the Board’s approval for us to finalize and make the submittal to the DEP.

**Mr. Mach** made a motion authorizing Cornerstone to produce a final copy of the Closure Financial Plan and have Cornerstone submit the final copy on behalf of the PCFA to the State of New Jersey, seconded by **Mr. Cannon**.

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

Mr. Williams stated that the treatment plant operations are continuing to run smooth. Mr. Williams stated that we are going through a cleaning process of one of the membrane units by using a chemical solution. We have two units in the plant; whereas we operate one at a time. One is a back up to the other. The process is going very well. The pumping is back up to where it should be at 40,000 gallons per day. There are no issues at the PRMUA facility regarding our leachate or any other issues. Mr. Williams stated that we received a lot rain over the last three to four weeks which averaged a little over seven inches. Therefore, we had to truck some of the leachate to Passaic Valley. Mr. Cannon and Mr. Williams have been researching all alternatives to reduce the amount of rainfall going into the leachate lagoons. They are looking at possible covers that can be made to put over the lagoons to cut down on the rainfall intake. They met with a vendor last week but it was not economically feasible for us to use the system that they proposed. They will continue to research this.

Mr. Williams stated that the Landfill Operations are running smooth. The Essex Ash is still coming in. There are no issues with any other waste streams. Mr. Williams stated that we will be sending out our D7 Bulldozer for the certified rebuild next month.

The H2S removal system is operating flawlessly. Mr. Williams stated that Cornerstone is working out some additional programming with the possibility of a kill switch through the auto dialer phone system. Atlantic Lining has to do some minor programming with the float levels in the sump pump and installing a permanent phone line. Mr. Williams stated that we are monitoring the system performance several times a day. We are only using two of the three vessels.

Mr. Williams stated that there has been no movement at the BPU on the Solar Panel Project for this month. Mr. Williams stated that the Solar Panel Project may be on the BPU Agenda for their August Meeting. Energenic did find out that the BPU has looked into their escrow account to see that the funds were there. Therefore, Mr. Williams stated that the BPU is looking at the application.

Mr. Williams stated that a discussion was needed in executive session regarding PCFA/PRMUA "Draft" Agreements.

Mr. Williams reported on the SWAC meeting that was held on June 6<sup>th</sup> at the PCFAWC. There was a scheduled tour of our landfill before the SWAC meeting but it did not happen due to rain. The next scheduled SWAC meeting is in September and we are going to try to get the tour in at that meeting. Mr. Williams stated that there are some new members on SWAC and he would like to show them our facility. A few months ago, SWAC had formed a sub-committee. The purpose of the sub-committee is to begin the review the County's Solid Waste Management Plan which requires updating this year. As part of the review of this plan, will be the future status of our landfill. Currently it is written within the plan that the landfill will cease operation in 2021. If a future expansion of this facility were to occur, the Authority would need to know as soon as possible. The timeline for the Authority to begin the process of exploring a future expansion, if it were to occur, would be five years. This would entail sub-surface investigations, permitting and eventual construction. Although there is 7-8 years of disposal capacity remaining within the landfill, a decision will need to be made shortly on which direction the Authority will need to take. Once SWAC has determined what amendments to the plan have been agreed upon, they will then submit their recommendation(s) to the Freeholder Board for final review and/or approval.

#### FINANCE/PERSONNEL

Mr. Houck reported that some of the items on the finance report are over their percentages. This is due to an increase in the waste volumes and revenues, which also will increase the post closure trust fund transfers. We will possibly need to do a budget amendment towards the end of the year. Mr. Houck also stated that the agreements for the post closure trust funds have been forwarded to DEP. DEP is currently waiting for Fulton Financial to give them the account numbers to insert within the documents. Once this has been completed, Mr. Houck stated we will then be able to transfer all the funds to Fulton Financial.

**Mr. Mach** made a motion to approve the Resolution To Pay Bills (R-06-01-13) [\$501,826.31], seconded by **Mr. Yanoff**.

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

The 2013/2014 Recycling Enhancement Act Tax Fund was presented. Mr. Williams explained that this is a grant fund from the State of New Jersey in the amount of \$110,000.00 that is applied for by the County of Warren. The money funds our Household Hazardous Waste Events, County Recycling Programs, advertising, and our newsletters. This is a yearly application through the State of New Jersey. This funding will cover the Fall HHW Event and the Spring 2014 HHW Event.

**Mr. Yanoff** made a motion Authorizing the Filing of the Spending Plan for 2013/2014 Recycling Enhancement Act Tax Fund (R-06-02-13), seconded by **Mr. Mach**.

Mr. Houck will check the dates on the plan for accuracy with Mr. Dech.

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

The update to the 2013 Waste Disposal Fee Schedule is the Covanta Ash from May 28<sup>th</sup> meeting.

Mr. Davenport stated the Waste Disposal Contract and Personnel will be discussed in Executive Session.

Mr. Davenport stated that the ledger of the hauler accounts in arrears presented to the Board replaces the notices received each week by the Board. Mr. Davenport suggested that the letter for summons sent to the White Township Municipal Court should be part of the correspondence list. It was agreed to include these with the correspondence list in the future. Ms. Joan Pluto stated that there are two outstanding bounced checks that the municipal court has not been able to contact or deliver the summons. The outstanding amounts (\$71.36) date back to 2012. Mr. Houck stated that we can authorize to write this amount off. Mr. Cannon recommended that we write this amount off. Mr. Houck suggested we can do this on a regular basis or wait until December and write off the outstanding amounts. No action was taken on this matter. Ms. Pluto stated that in the scale house there is a bad check list. Ms. Pluto stated when a person is paying by check; we ask for their name and check it against our list. Mr. Williams stated that every customer that uses our facility is made aware that we accept checks, cash or credit cards.

#### NEW BUSINESS

None

#### GENERAL COUNSEL'S REPORT

Mr. Tipton stated that we received the signed Essex Ash Disposal Agreement executed earlier in the month and a new issue arose within days thereafter. This will be discussed in Executive Session. Mr. Tipton stated that we are still in negotiations regarding the Ash/Metal Recovery Agreement. Mr. Tipton had a conference call with Ms. Jennifer Breen from Covanta on Friday. Ms. Breen was in agreement with everything that Mr. Tipton proposed on the draft that the Board previously agreed upon. Ms. Breen was awaiting final approval from Covanta. This will also 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 personnel and contract negotiations, seconded by **Mr. Yanoff**. Commencing at 9:55 am.

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

Mr. Tipton asked to be excused from Executive Session at 10:22 am.

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

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

Regular session resumed at 10:50 am.  
The results from Executive Session are as follows.

**Mr. Mach** made the motion to give all the employees working for the PCFA, salary and non-salary an increase of 1.5 % on their annual salary retroactive to January 1, 2013, which is in line with what Warren County and the Freeholders had given their employees, seconded by **Mr. Yanoff**.

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

No action taken on the Contract Negotiations.

ADJOURNMENT

With no other business to discuss, **Mr. Davenport** motioned to Adjourn, seconded by **Mr. Mach**, at 10:52 am.

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

Respectfully submitted by:

*Jamie Banghart*  
Recording Secretary

Approved: 07/29/13