

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING
July 29, 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 (Conference Call), and James Cannon (Excused at 9:49 am).

ROLL CALL:	Mr. Mach	-	Present
	Mrs. Mackey	-	Absent
	Mr. Yanoff	-	Present (Conference Call)
	Mr. Cannon	-	Present (Left at 9:49 am)
	Mr. Davenport	-	Present

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

Pledge of Allegiance / Introductory Statement

MINUTES

The minutes of the regular meeting of June 24, 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	-	Yes
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

The Executive Session Minutes of the regular monthly meeting of June 24, 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	-	Yes
	Mr. Cannon	-	Yes
	Mr. Davenport	-	Yes

CORRESPONDENCE

Mr. Williams stated that we received two letters from the State of New Jersey regarding monthly landfill inspections. One letter was the annual inspection of the air permit and the other two are the solid waste inspections. All the inspections went very well and we were deemed in compliance.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

PRESENTATIONS

None

EXECUTIVE SESSION

Mr. Yanoff motioned to enter into Executive Session to discuss Contract Negotiations, seconded by **Mr. Mach**. Commencing at 9:03 am.

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

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

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

Regular session resumed at 9:43 am.
The results from Executive Session are as follows.

Mr. Tipton stated that a motion is required regarding the Site License Agreement with the following amendments;

- 1) To allow Covanta to conduct ferrous and non-ferrous metal recoveries from ash on our landfill site
- 2) Adding the PCFA’s right to terminate agreement at the end of the 90 day period for no reason at all or any reason

In addition, Covanta has agreed to reimburse the legal fees of the PCFA General Counsel for his review and input regarding this document.

Mr. Cannon made the motion to accept the amendments to the Site License Agreement stated by Mr. Tipton, seconded by **Mr. Mach**.

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

Mr. Tipton stated that a motion is required regarding the Covanta Essex Ash Disposal Agreement with the following amendments;

- 1) Covanta to produce a monthly copy of the state tonnage report to the PCFA. Mr. Williams and a representative from Covanta will track the totals of Ash.
- 2) Covanta has agreed to pay within seven days of the execution of this Amendment for the total amount owed from the revenue shortfall for all ash generated at the Essex facility and not delivered to the PCFA facility from January 1, 2013 through May 31, 2013 at the rate of \$15.75/ton
- 3) Covanta has agree to pay at six (6) month intervals, for the total amount owed from the revenue shortfall for all ash generated at the Essex facility and not delivered to the PCFA facility at the rate of \$15.50/ton. These payments will be on or about December 2013, June 2014 and December 2014.
- 4) The actual tonnage shortfall not delivered in 2013/2014 will be delivered in 2015 at no charge.
- 5) The PCFA will allow Ash from other facilities to be delivered in 2015 provided it meets New Jersey testing requirements.

Mr. Tipton also stated that for clarification purposes, the disposal rate for the Essex Ash from January 1, 2013 to May 31, 2013 is \$15.75/ton.

Mr. Cannon made a motion to approve these amendments to the existing Covanta Essex Ash Disposal Agreement, seconded by **Mr. Davenport**.

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

Mr. Cannon was excused from the meeting at 9:49 am.

FACILITIES/RECYCLING

Mr. Williams stated that the treatment plant operations are running well with the exception of phosphorus exceedances within our permit. In discussion with Hatch Mott McDonald, it was discovered that these exceedances were caused by the addition of phosphoric acid to the treatment process. We have now reduced the use of this chemical addition. There were no operational issues reported to us by the PRMUA staff. We are now within our permit limits.

Mr. Williams stated that we are pumping 40,000 gallons a day to PRMUA with no issues. Mr. Williams and Mr. Davenport will be meeting with Mr. Wauhop and the Chairman of PRMUA to discuss the existing agreement between the PCFA and the PRMUA.

Landfill Operations are going well. Mr. Williams stated that the D-7 is in the shop for the rebuild of the undercarriage. The funding for the rebuild will come out of our Capital Funds.

Mr. Williams stated that the H2S Removal System is running flawlessly. The staff has begun to winterize the old system. Mr. Williams stated that one vessel has been drained completely out and the other vessel is scheduled for September. Mr. Williams had discussions with Cornerstone and SCS Engineers about the old system. There may be interest in our old system from other entities.

Mr. Williams reported on the update of the Solar Panel Project. The BPU held a meeting on July 19, 2013 to discuss our initial application which was filed in January 2013. This initial application was filed as a solar project being built on a closed landfill or brownfield. Energenic wanted to give this application a try to see if it would get approved. The BPU has since denied this application because our solar field is not built on a closed landfill or brownfield.

Energenic then filed a second application in June 2013. This application will be on the BPU's August Agenda and should be approved according to Energenic. The initial application in January had to be cleared off their docket by either an approval or denial, and then the second application could be placed on their Agenda for consideration in August. Once this application is approved, the solar field will be operational.

Mr. Williams stated that we will need to go out for Bid for two items. Mr. Williams requested authorization from the Board to seek Bids for the Topographic Survey of the Landfill and the Grass Mowing and Ground Maintenance Services. These bids will be due back in August / September and will assist us in the preparation of the 2014 budget.

Previous Counsel had approved that the Topographic Survey could be bid as a three (3) year contract. Due to this being considered as a professional service and further discussions with Mr. Tipton, this can only be bid as a one (1) year contract.

Mr. Williams stated that a fly over of the site was needed so that it would include the treatment plant and all the infrastructure changes that have occurred since 1995 when the last fly over was conducted. This new site map will also assist us in the event we move in the future on Cell 6.

Mr. Williams stated that the Grass Mowing and Ground Maintenance Services Bid is for a two (2) year period including a quarterly mowing of the final cap which was not included within this bid previously.

Mr. Mach made a motion to authorize us to seek Bids on the Topographic Survey of the Landfill, seconded by **Mr. Davenport**.

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

Mr. Mach made a motion to authorize us to seek Bids for the Grass Mowing and Grounds Maintenance Services, seconded by **Mr. Davenport**.

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

Mr. Williams stated that Tilcon began the traffic monitoring on the possible road crossing. Tilcon started this process approximately a week and a half ago.

FINANCE/PERSONNEL

Mr. Williams reported that the revenues and tonnages are great. There are no issues with our haulers or payments. The budget is currently at 53% expended. Mr. Williams stated that he will begin working with Mr. Houck and his staff on the preparation of the 2014.

Mr. Mach made a motion to approve the Resolution To Pay Bills (R-07-01-13) [\$648,511.45], seconded by **Mr. Davenport**.

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

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

NEW BUSINESS

Mr. Mach inquired about Cell 6. Mr. Williams and Mr. Davenport met with Mr. Dech (County Planning Department) in early July. Mr. Williams and Mr. Davenport discussed with Mr. Dech the timeline that would be required if a Cell 6 were to be constructed. Mr. Dech informed us that he would convene the subcommittee formed of SWAC members to begin working on amendments to the County Solid Waste Management Plan, which may include the development of a Cell 6. SWAC would then forward their recommendation(s) to the Freeholder Board for final approval.

GENERAL COUNSEL'S REPORT

Mr. Tipton reported in Executive Session and has no other reports.

OTHER BUSINESS

None

CLOSING PUBLIC COMMENT

None

PRESS COMMENTS & QUESTIONS

None

ADJOURNMENT

With no other business to discuss, **Mr. Mach** motioned to Adjourn, seconded by **Mr. Davenport**, at 10:06 am.

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

Respectfully submitted by:

Jamie Banghart
Recording Secretary

Approved: 08/26/13