

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

November 24, 2014

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, Holly Mackey, Todd Yanoff (Conference Call) and James Cannon.

ROLL CALL:	Mr. Cannon	-	Present
	Mrs. Mackey	-	Present
	Mr. Yanoff	-	Present (Conference Call)
	Mr. Mach	-	Present
	Mr. Davenport	-	Present

Also present: James Williams, Director of Operations; Brian Tipton, General Counsel; Pete Houck, Chief Financial Officer; Dan Olshefski, Treasurer; Mark Swyka, Cornerstone; William Soukup, Cornerstone; Freeholder Director Ed Smith; Jamie Banghart, Recording Secretary.

The Pledge of Allegiance was led by Chairman Davenport.

Mr. Davenport read the following statement: "Adequate notice of this meeting of November 24, 2014 was given in accordance with the Open Public Meetings Act by forwarding a schedule of regular meetings of the Pollution Control Financing Authority of Warren County (PCFAWC) to the Warren County Clerk, the Warren County Board of Chosen Freeholders, the Express Times, and by posting a copy thereof on the bulletin board in the office of the PCFAWC. Formal action may be taken by the PCFAWC at this meeting. Public participation is encouraged".

MINUTES

Mr. Davenport presented the regular monthly meeting minutes from October 27, 2014.

**Mr. Mach** made a motion to approve the minutes as presented, seconded by **Mr. Cannon**.

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

Executive Session was not necessary on October 27, 2014.

Mr. Davenport presented the special meeting minutes from October 30, 2014 for approval. Mr. Davenport made a minor change to the draft form title of regular monthly meeting minutes to special meeting minutes.

**Mr. Mach** made a motion to approve the special meeting minutes from October 30, 2014 recognizing the change, seconded by **Mr. Cannon**.

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

### CORRESPONDENCE

Mr. Williams discussed a correspondence from the Township of Oxford regarding their fall clean-up fee to be waived. Mr. Williams stated that this is a bi-annual (fall and spring) correspondence from the Township of Oxford since they provide the first responders to this facility.

**Mrs. Mackey** made a motion to waive the disposal fee of \$2, 236.41 for the Township of Oxford fall clean-up, seconded by **Mr. Mach**.

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

Mr. Williams discussed a correspondence from Mr. Houck to the Township of White regarding the host community fee reassessment. This is a letter that is sent out every year to the Township of White.

### FINANCE/PERSONNEL

Mr. Davenport presented the request for proposals for legal services. Mr. Williams questioned the Board whether they would prefer the fair and open contract, which is an RFP, or non-fair and open contract, which is where we could ask Florio and Perrucci to provide us with a price moving forward into next year. Mr. Williams stated that this is a professional service.

**Mr. Davenport** made a motion for a fair and open contract for the 2015 legal services and to be posted on the PCFAWC website, seconded by **Mrs. Mackey**.

Mr. Cannon questioned the difference between the two contracts? Mr. Williams stated that with the fair and open contract we will need to put a RFP out. Mr. Williams stated that if other firms submit proposals, the Board would have to convene and review the proposals. Mr. Williams stated that with the non-fair and open contract we will ask counsel to submit a proposal, with their prices along with all necessary paperwork to prepare a non-fair and open process. The Board then selects and hires Florio and Perrucci. Mr. Mach stated that the fair and open contract means that when all the bids come in and are reviewed, the Board is not committed to the lowest responsible bidder because this is a professional service.

ROLL CALL:     Mr. Cannon           -     No  
                  Mrs. Mackey           -     Yes  
                  Mr. Yanoff            -     Yes  
                  Mr. Mach               -     Yes  
                  Mr. Davenport       -     Yes

Mr. Williams stated that the RFP will be posted on the PCFAWC website. The bids are due back by December 15, 2014.

Mr. Davenport apologized for going out of order from the Agenda.

#### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

#### PRESENTATIONS

None

#### FACILITIES/RECYCLING

Mr. Williams presented Mr. Mark Swyka and Mr. William Soukup from Cornerstone to discuss the test pit results for the hydrogeologic investigation.

Mr. Swyka stated that the test pits were completed. Mr. Soukup provided detailed pictures to the Board of the test pit investigation. Mr. Soukup stated that two large machines were used to excavate the areas. There was a total of twelve (12) test pits. Mr. Soukup stated that the test pit locations were able to be reached within the landfill's property. He also discussed the depths of the test pits and the depth of the top of the bedrock in each test pit. Mr. Williams stated that the deeper the soil means more air space. Mr. Soukup stated that most of the northern test pits were at approximately seventeen (17) feet without hitting bedrock. Mr. Soukup stated that the western test pits was where they hit rock but were able to rip down the rock to approximately eight (8) feet.

Mr. Swyka stated that the test pit results confirms their expectations as well as confirms that we have a lot more soil to work with. Mr. Swyka stated that the test pit findings supports the proposed locations for the borings, which is the second part of the hydrogeologic investigation. The borings will go down into the bedrock that will confirm the bedrock contact elevation at each proposed location. Mr. Soukup stated that the borings will be the monitoring wells just outside of the proposed footprint.

Mr. Swyka stated that Cornerstone would like to proceed with the borings and the conceptual engineering. Mr. Cannon stated he would like to see the report of the test pits on paper before he makes any decisions. The test pits were accessed without going through the neighboring properties. Discussions were held regarding the agreements with Cornerstone. Mr. Williams stated that a new agreement for the tasks two through five from the hydrogeologic investigation. Mr. Cannon stated he is not ready to move forward today. Mr. Mach stated that we should have a hard copy report from the test pit investigation, as we agreed to at the last meeting. Mr. Mach stated we need a proposed proposal for what we are going to do going forward, for clarity. Mr. Mach stated that everything should be documented; for where we are now, what the results were, and document forward.

Mr. Davenport stated that Cornerstone chose the boring sites based on the hydrogeological layout. Mr. Davenport questioned if there would be any reason to move those other than a road related issue? Mr. Swyka stated that he doesn't believe there would be any reason to move them.

Mr. Swyka stated that holding off on the borings for now makes sense with winter coming soon. Mr. Swyka stated that he does think the Board should move forward with Cornerstone's conceptual designs. Mr. Cannon stated that he agrees with Mr. Swyka to provide the Board with as many conceptual designs as possible. Mr. Yanoff stated that the borings are more prevalent here because we need the data from the borings in order to make the conceptual designs. Mr. Yanoff disagrees with moving forward with the conceptual designs before the borings. Mr. Soukup stated that with the test pit investigation and the geology of the landfill, he cannot think of anything that would significantly alter the conceptual layouts.

Mr. Williams stated that the water table could change the elevation. Mr. Swyka stated that Cornerstone could work either way, with the borings or the conceptual designs. Mr. Swyka submitted a proposal for the conceptual engineering design. Mr. Swyka stated that the proposal can be worked on from now until the January meeting to report on. Mr. Cannon stated that as Mr. Soukup stated, the borings are more of a confirmation. Mr. Mach stated that the sooner we have a conceptual design the better off we will be for a decision moving forward. Mr. Cannon agrees. Mr. Williams stated that he will hand out the proposal from Cornerstone on the conceptual engineering. The test pit report will be available to the Board by the December 8<sup>th</sup> meeting. Mr. Cannon stated that we can review the test pit report and the proposal at the January meeting. Mr. Williams suggested that, in the meantime, if the Board is ok with this, that Counsel and himself will work on getting an agreement put together as a draft. Mr. Cannon would also like to see the previous agreement put into the record for the series of work that was done and completed. Mr. Mach stated that it is best to have as much documented as possible.

Mr. Williams stated that the treatment plant operations are running well with no issues.

Mr. Williams reported on the landfill operations. The landfill operations continues to run smooth. Mr. Williams stated that we did receive our new landfill compactor last Tuesday. Foley Caterpillar is onsite assembling the new compactor.

Mr. Williams reported on the H2S Removal System. There are no issues.

Mr. Williams stated that the Solar Project is going well and everything is up to date. Mr. Williams stated that we are seeing a significant savings. Mr. Williams will provide the Board with a yearend savings.

Mr. Williams is beginning to look into tire recycling at the landfill. Mr. Williams has been in contact with some vendors regarding tire recycling programs possibly in the spring or early summer next year. Mr. Williams was able to retain a list from DEP of local tire recyclers. This will be for automobile tires only. Mr. Williams will get all the information and the prices to present to the Board in the future.

Mr. Williams asked the Board if they would like to approve the purchase of gift baskets and turkeys for the staff for Christmas?

**Mr. Mach** made a motion to approve the purchase of gift baskets and turkeys for the staff, seconded by **Mr. Davenport**.

**Mr. Cannon** suggested that the entire Board be added to the motion as well as staff.

**Mr. Mach** withdrew his motion.

**Mr. Cannon** made a motion to approve the purchase of gift baskets and turkeys for the staff and the Board. Motion fails.

**Mr. Davenport** made a motion to approve the purchase of gift baskets and turkeys for the staff, seconded by **Mrs. Mackey**.

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

FINANCE/PERSONNEL

Mr. Davenport stated that we did the draft legal services out of order from the agenda.

The Waste Disposal Pricing Schedule was presented. Mr. Williams presented the existing 2014 Waste Disposal Pricing Schedule and the draft 2015 Waste Disposal Pricing Schedule. Mr. Williams stated that the draft 2015 Waste Disposal Pricing Schedule shows all the contract solid waste prices increased by \$1.00/ton. Mr. Williams left the non-contracted solid waste prices as is. Mr. Cannon suggested we look at the increase a little more carefully. Mr. Cannon stated that looking at the spreadsheet from 2008, there was only a five percent increase. Mr. Cannon stated that he does not think a dollar raise is appropriate. Mr. Cannon stated the vendor contracts are too low. Mr. Williams cautioned the Board that without waste flow regulations in place, there is a fine line when adjusting the pricing schedule due to the competition with the nearby Pennsylvania landfills.

Mr. Mach stated that if we take a look at our revenue that is generated from all of our sources of waste coming in, can we sustain the landfill's operating cost just on waste that is currently coming from Warren County? Mr. Williams stated no we could not. Mr. Mach would like to see a breakdown of the tonnage and revenue. Mr. Cannon suggested that the County should receive a host fee, as we do with White Township and Oxford. Mr. Williams will provide the Board with a spreadsheet of out of county versus Warren County waste coming in. Mr. Davenport stated that this will be tabled for further discussions.

Mr. Davenport presented the personnel manual update. Mr. Tipton made two minor changes to the draft personnel manual; the word agreement and be changed to acknowledgement and signifying his/her from he/she. Mr. Tipton stated that this personnel manual update pertains to providing for reimbursement of employee tuition courses. This will tie the employee to the Authority for a period of three years.

**Mr. Davenport** made a motion to adopt this personnel manual update, seconded by **Mrs. Mackey**.

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

Mr. Davenport presented the 2015 Budget. Mr. Houck stated we can adopt the 2015 Budget.

# RESOLUTION

R-11-02-14

## 2015 ADOPTED BUDGET

### POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

FISCAL YEAR: FROM January 1, 2015 TO December 31, 2015

WHEREAS, the Annual Budget and Capital Budget for the **Pollution Control Financing Authority of Warren County** for the fiscal year beginning, **January 1, 2015** and ending, **December 31, 2015** has been presented for adoption before the governing body of the **Pollution Control Financing Authority of Warren County** Authority at its open public meeting of **November 24, 2014**; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of **\$7,814,000**, Total Appropriations, including any Accumulated Deficit, if any, of **\$7,814,000** and Total Unrestricted Net Assets utilized of **\$0**; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of **\$500,000** and Total Unrestricted Net Assets planned to be utilized of **\$500,000**; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the **Pollution Control Financing Authority of Warren County**, at an open public meeting held on **November 24, 2014** that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the **Pollution Control Financing Authority of Warren County** for the fiscal year beginning, **January 1, 2015** and ending, **December 31, 2015** is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Holly Mackey, Board Secretary

November 24, 2014

Moved by **Mr. Cannon**      Seconded by **Mr. Davenport**      Recorded Vote:

Mr. Cannon	<u>Aye</u>	Nay	Abstain	Absent
Mrs. Mackey	<u>Aye</u>	Nay	Abstain	Absent
Mr. Yanoff	<u>Aye</u>	Nay	Abstain	Absent
Mr. Mach	<u>Aye</u>	Nay	Abstain	Absent
Mr. Davenport	<u>Aye</u>	Nay	Abstain	Absent

Mr. Houck stated that the monthly end report was prepared for November. Mr. Houck stated that we are still on course.

Mr. Davenport stated a motion was needed to accept the Resolution R-11-03-14 To Pay the Bills. Mr. Cannon had a few questions on the bill list. Mr. Cannon questioned on the late payments from haulers. Mr. Williams stated that they were all up to date with payments. Mr. Williams stated that on page 5 of the bill list Mr. Cannon had a question last month on the leachate hauling budget amount. Mr. Williams spoke with Helen from the County who prepares the monthly end report. Mr. Williams stated that Helen will add two more columns. The columns will be PRMUA and Passaic Valley Sewage Commission. Mr. Williams stated that the new format will begin in January.

On a motion by *Mr. Davenport*, seconded by *Mr. Cannon*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *November 24, 2014*.

**RESOLUTION**  
**R-11-03-14**  
**To Pay Bills – November 24, 2014**

WHEREAS, the Pollution Control Financing Authority of Warren County has been presented with invoices for services, supplies and other materials rendered to it or on its behalf;

NOW, THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County that the following bills be paid:

*See Attached*

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

We hereby certify Resolution to Pay Bills in the amount of **\$485,010.43** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the 24<sup>th</sup> day of *November 2014*.

Jamie Banghart, Recording Secretary  
James Williams, Director of Operations

There are no changes in the 2014 Waste Disposal Fee Schedule.

NEW BUSINESS

None

GENERAL COUNSEL'S REPORT

Mr. Tipton reported that he will have discussions for Executive Session.

OTHER BUSINESS

Mr. Houck introduced Mr. Dan Olshefski. Mr. Olshefski will be taking Mr. Houck's position beginning in January. Mr. Houck invited the Board for a cocktail party on December 29 at Apple Mountain.

CLOSING PUBLIC COMMENT

Freeholder Director Ed Smith stated that he is investigating the funding for tire recycling. This is a work in progress.

PRESS COMMENTS & QUESTIONS

None

EXECUTIVE SESSION

Mr. Tipton stated that Executive Session was necessary for contract negotiation discussion. Executive Session was entered at 10:06 am.

Mr. Yanoff was excused from the meeting at 10:06 am.

**RESOLUTION**

**R-11-04-14**

**AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Authority has a need to discuss the following matter(s) in Executive Session:

**Contract Negotiations**

It is not possible, at this time, for the Authority to determine when and under what circumstances the above-referenced item(s), which are to be discussed in Executive Session, can be publicly disclosed;

NOW, THEREFORE, Pursuant to N.J.S.A. 10:4-1 et. seq., BE IT RESOLVED by the Pollution Control Financing Authority of Warren County that the matter(s) as noted above will be discussed in Executive Session.



Moved By: **Mr. Cannon**

Seconded By: **Mrs. Mackey**

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

I hereby certify the above to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the date above mentioned.

Recording Secretary  
Jamie Banghart

Dated: November 24, 2014

**Mr. Cannon** made a motion to come out of Executive Session, seconded by **Mr. Davenport**.

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

Regular session resumed at 10:26 am.

Mrs. Mackey was excused from the meeting at 10:26 am.

No action was taken in Executive Session.

**Mr. Cannon** made a motion to approve Mr. Tipton to move forward with getting quotes for appraisals of the adjoining property to the landfill, seconded by **Mr. Davenport**.

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

Mr. Davenport stated that Mr. Tipton can contact Land Preservation for an appraiser. Mr. Tipton will provide the Board with quotes for appraisals possibly for the December 8 meeting.

#### **ADJOURNMENT**

With no other business to discuss, **Mr. Mach** motioned to Adjourn, seconded by **Mr. Cannon**, at 10:28 am.

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

Respectfully submitted by:  
Jamie Banghart, Recording Secretary

Approved: 12/08/14