

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

October 27, 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, Todd Yanoff (Conference Call), and James Cannon.

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

Also present: James Williams, Director of Operations; Brian Tipton, General Counsel; Ian Semmel, Warren County Finance; Mark Swyka, Cornerstone; Eric Cliff, Foley Caterpillar; George Vorreas, Foley Caterpillar; 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 October 27, 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 September 22, 2014.

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

Mr. Cannon requested a minor change to the minutes on page 2 where the word "final" should be removed from sentence regarding the feasibility study.

Mr. Mach made a motion to reflect the changes with the removal of the word "final" as suggested by Mr. Cannon, seconded by **Mr. Cannon**.

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

Executive Session was not necessary at the September 22, 2014 meeting.

CORRESPONDENCE

None

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

PRESENTATIONS

None

FACILITIES/RECYCLING

Mr. Williams presented the proposal from Cornerstone for the landfill hydrogeologic investigation. Mr. Mark Swyka, from Cornerstone, was present to discuss the proposal in detail for the Board.

Mr. Swyka stated that we need to better understand the landfill bedrock, landfill to groundwater, and the groundwater flow direction. Mr. Swyka stated that the approach Cornerstone will take will allow us to look at the soils and the rocks in the area of the proposed expansion to the north and to the west of the existing landfill.

Mr. Swyka stated that Cornerstone is proposing approximately a dozen test pits in this proposed expansion area to allow visuals to investigate the types of soil and the depths. These test pits will determine the shallow soils and how much soil we will have available to work with. The northern part of the expansion is fairly accessible. The western part of the expansion is timbered. Mr. Swyka stated that they will require heavy equipment to clear this section for access to these areas.

Mr. Swyka stated that there are five permanent well locations that will serve two purposes; one is to give us the information that we need to characterize the soil; and two is to become part of the long term groundwater monitoring network. Once the wells are installed that Cornerstone is proposing, we can monitor the change in the groundwater through the future. Mr. Swyka stated that this will allow us to prepare the hydrogeologic investigation reports that we need to submit to DEP with a major modification application.

A lengthy discussion was held among the Board members regarding the proposal. Mr. Mach commented on the access of the boring numbered CEG3 from a neighboring property. Mr. Swyka stated that this boring was easiest accessed from the neighboring property. Mr. Mach suggested to the Board that we stay on our property for access to the boring locations.

Mr. Cannon stated that a field visit should be scheduled to view the proposed expansion site. Mr. Cannon would also like to see a counter proposal from Mr. Tipton. Mr. Swyka stated that, as far as an observation to the proposed site, we would be able to visibly see the site from the existing roadways. Mr. Cannon questioned the amount of borings proposed? Mr. Swyka commented that the boring site covers a large area that may or may not be feasible for an expansion until this testing is done. Mr. Mach questioned how far will the proposed landfill expansion site be to the nearest river? Mr. Swyka stated that the work is done approximately three hundred feet from the water. Mr. Mach suggested that we should be further back than three hundred feet. Mr. Swyka stated that the landfill would not come up to three hundred feet from stream because you have to have drainage channels and perimeter roadways to account for. Mr. Cannon questioned how the roadways will be incorporated with the proposed expansion? Mr. Williams stated that we have full access with our heavy equipment to the existing forty five acres. Mr. Williams stated that the boring is done to see if the land is capable of having the

expansion. Mr. Cannon stated that it is very important to discuss every aspect of the proposed landfill expansion.

Mr. Williams questioned the Board on their availability for a field visit. The Board scheduled the field visit for October 30th at 1:30 pm. Mr. Williams stated that a public notice for the field visit will be advertised. A discussion was held regarding the observation locations on site for the field visit.

Mr. Tipton discussed his revisions to the contract prepared by Cornerstone. Mr. Tipton stated that the State of New York is used as the venue, whereas he would like that to be the State of New Jersey on the contract provided by Cornerstone. Mr. Tipton suggested that the indemnity needs some clarification on the contract. Mr. Tipton suggested that he could send Mr. Williams and the Board an email summarizing the legal issues in the contract for clarity. Mr. Williams suggested to Mr. Tipton that he would forward the existing feasibility study form of agreement to him for his review. Mr. Tipton agreed.

Mr. Davenport stated that the contract will be tabled until next meeting.

Mr. Williams reminded the Board that the November meeting date is November 24th. The next meeting will follow on December 8th.

Mr. Williams presented the Landfill Compactor bids. Mr. Williams stated that we advertised the bids in the Newspaper and on our website. We received two bids from Jesco and Foley Caterpillar. Jesco provided a “no bid” letter. Foley Caterpillar submitted a bid. Mr. Williams stated that Foley Caterpillar provided one exception regarding the warranty. Foley Caterpillar is not able to do the 12,000 hour/72 month warranty. The most Foley Caterpillar can provide to us is the 10,000 hour/72 month warranty.

A discussion was held regarding the letter from Jesco. Mr. Mach questioned counsel on the purpose of this letter from Jesco. Mr. Tipton stated that Jesco could challenge our decisions. Mr. Mach stated that the contract was written in a fair way. Mr. Tipton stated that Jesco interpreted our specs to have been too narrowly tailored to the Caterpillar brand. Mr. Williams stated that Jesco did this same letter fourteen years ago.

A motion was made to accept Resolution R-10-02-14 (Awarding a Fair and Open Contract for the Purchase of a New Landfill Compactor at the Warren County District Landfill).

On a motion by *Mr. Davenport*, seconded by *Mr. Yanoff*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 27, 2014*.

RESOLUTION

R-10-02-14

Awarding a Fair and Open Contract
for the
Purchase of a New Landfill Compactor
at the Warren County District Landfill

WHEREAS, the Pollution Control Financing Authority of Warren County (the “Authority”) requested bids for the Purchase of a new landfill Compactor at the Warren County District Landfill;

WHEREAS, a total of two (2) bids were received by the Authority on October 22, 2014.

WHEREAS, a review of these bids by the Authority revealed that **Foley Caterpillar** as the lowest responsible and responsive proposal received price and other factors considered through the Fair and Open Process in accordance with N.J.S.A.19:44A-20.4.

NOW, THEREFORE BE IT RESOLVED, by the Authority that **Foley Caterpillar** be awarded the contract for the Manufacturing and **Supply of a New Landfill Compactor** to the Authority at the Warren County District Landfill as described in and, in accordance with the Specifications of the Invitation For Bids, Landfill Compactor, For The Pollution Control Financing Authority of Warren County dated September 2014, in the amount of \$664,900.00 as specified within their bid received on October 22, 2014. And in addition, the Authority has chosen the 72 month Extended Warranty Plan in the amount of \$51,970.00. The term of this contract will commence on October 27, 2014.

ROLL CALL:

Mr. Cannon	-	Yes
Mrs. Mackey	-	Absent
Mr. Yanoff	-	Yes
Mr. Mach	-	Yes
Mr. Davenport	-	Yes

Dated: *October 27, 2014*

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.

Jamie Banghart, Recording Secretary

Mr. Williams reported that the treatment plant is running well. Mr. Williams stated that over the last two weeks the lagoons were cleaned out. Russell Reid was hauling all the sludge out from the lagoon. Mr. Williams stated that the pumping is going well.

Mr. Williams had discussions with Hatch Mott MacDonald, Maser, and Dynatec regarding the leaking pipe. Mr. Williams stated that Maser and Dynatec are saying that the leak in the pipe is not their fault. Mr. Williams will share the emails with Mr. Tipton. Mr. Williams is waiting on a final response from Dynatec.

Mr. Williams stated that the landfill operations are running great with no issues. The waste flows are consistent as they were the last couple of months. Mr. Williams is documenting the short falls from the Covanta Essex facility that they are obligated to make up to us next year. The current Covanta Essex contract will end in December, then the short falls will pick up after the contract ends. Mr. Williams stated that the Warren Ash agreement will be up for discussion soon.

Mr. Williams reported that there are no issues on the H2S removal system. Mr. Williams stated that all the meters are working properly. Mr. Williams stated that we are sharing the data with MV Technologies and Cornerstone.

Mr. Williams reported on the solar panels. Mr. Williams stated that we are up to date on all the invoicing. There are no issues.

Mr. Williams stated that we finished the township clean ups for the year on Saturday. Everything went well with no issues.

Mr. Williams stated that a traffic study for the road crossing was completed last week during the clean ups. Mr. Williams stated that this is our busiest residential time of the year. The results are pending from the study. Mr. Williams will inform the Board when he receives the results.

FINANCE/PERSONNEL

Mr. Davenport presented the personnel policy manual update.

Mr. Mach made a motion to approve the personnel policy manual update, seconded by **Mr. Cannon**.

Mr. Cannon discussed some additional clarification with the language as to why the employee is to sign the service agreement. Mr. Tipton suggests that language of "service agreement" should be changed to acknowledgement. Mr. Mach suggests the grade to be a "B" and not a "C". Mr. Tipton will review the personnel policy manual update and make the changes. Mr. Davenport stated that this motion will be tabled until next month's meeting.

Mr. Davenport presented the 2015 Budget. Mr. Williams stated that this is the state budget format of the 2015 Budget which is ready for submission to the State. This is the same budget provided to the Board last month but incorporated on the state forms. Mr. Mach stated that this in an introduction of the 2015 Budget.

RESOLUTION

R-10-03-14

2015 Authority Budget

2015 AUTHORITY BUDGET RESOLUTION 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 before the governing body of the **Pollution Control Financing Authority of Warren County** at its open public meeting of **October 27, 2014**; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 7,814,000, Total Appropriations, including any Accumulated Deficit if any, of \$ 7,814,000 and Total Unrestricted Net Position utilized of \$ 0,

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$500,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$500,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

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 **October 27, 2014** that the Annual Budget, including all related 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 approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the **Pollution Control Financing Authority of Warren County** will consider the Annual Budget and Capital Budget/Program for adoption on **November 24, 2014**.

BE IT FURTHER RESOLVED, that the governing body of the Pollution Control Financing Authority of Warren County will consider the Annual Budget and Capital Budget/Program for adoption on November 24, 2014.

Jamie Banghart, Recording Secretary

Dated: October 27, 2014

Moved by: Mr. Mach Seconded by: Mr. Cannon

Recorded Vote:

Mr. Cannon	<u>Aye</u>	Nay	Abstain	Absent
Mrs. Mackey	Aye	Nay	Abstain	<u>Absent</u>
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. Semmel stated that the finances are in line.

Mr. Davenport stated a motion was needed to accept the Resolution R-10-04-14 To Pay the Bills.

On a motion by *Mr. Cannon*, seconded by *Mr. Davenport* the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 27, 2014*.

RESOLUTION
R-10-04-14
To Pay Bills – October 27, 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	-	Absent
	Mr. Yanoff	-	Yes
	Mr. Mach	-	Yes
	Mr. Davenport	-	Yes

We hereby certify Resolution to Pay Bills in the amount of \$456,931.76 to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the 27th day of *October 2014*.

Jamie Banghart, Recording Secretary
James Williams, Director of Operations

Mr. Cannon stated that the bill list shows the comparison of the leachate treatment fees and the host fees year to year. Mr. Cannon suggested we input the budget amount or the anticipated amount with a percentage of where we are at year to date for the leachate treatment fees listed on page 5 of the finance report. Mr. Williams will discuss this with Mrs. Helen Corbett to prepare the sheet as Mr. Cannon suggests.

There was no change in the Waste Disposal Fee Schedule.

NEW BUSINESS

None

GENERAL COUNSEL'S REPORT

Mr. Tipton reported that he spoke with Mrs. Holly Mackey about discussions with the neighboring property owner. They agreed that Mr. Tipton will make contact with the owner. Mr. Tipton will report on this at next month's meeting.

OTHER BUSINESS

None

CLOSING PUBLIC COMMENT

None

PRESS COMMENTS & QUESTIONS

None

EXECUTIVE SESSION

No need for Executive Session.

RESOLUTION

R-10-05-14

AUTHORIZING EXECUTIVE SESSION

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

Not Necessary

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:

Seconded By:

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

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.

Jamie Banghart, Recording Secretary

Dated: 10/27/14

ADJOURNMENT

With no other business to discuss, **Mr. Cannon** motioned to Adjourn, seconded by **Mr. Mach**, at 10:21 am.

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

Respectfully submitted by:
Jamie Banghart, Recording Secretary

Approved: 11/24/14