

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF Special MEETING

November 10, 2016

Chairman James Cannon called the special meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:32 am.

Authority Members present: Richard Mach, James Cannon, Bud Allen, Joseph Pryor and Marc Pasquini.

ROLL CALL:	Mr. Allen	-	Present
	Mr. Pasquini	-	Present
	Mr. Pryor	-	Present
	Mr. Mach	-	Present
	Mr. Cannon	-	Present

Also present: James Williams, Director of Operations; Katharine Fina, General Counsel; Prentiss Shaw, Cornerstone; Joe Fischl, Tetra Tech; Matt Beebe, Cornerstone; Jamie Banghart, Recording Secretary.

The Pledge of Allegiance was led by Chairman Cannon.

Mr. Cannon stated that seeing the need to discuss a couple contracts in Executive Session, he did let Ms. Prentiss Shaw and everyone else here know that we are going to have to go into executive session for a little bit to discuss what we have received.

EXECUTIVE SESSION

Mr. Cannon asked for a motion to enter into Executive Session.

Executive Session was entered at 9:34 am.

RESOLUTION

R-11-01-16

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. Pryor**

Seconded By: **Mr. Allen**

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Yes
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	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.

Jamie Banghart, Recording Secretary

Dated: 11/10/16

Mr. Allen made a motion to come out of Executive Session, seconded by **Mr. Pasquini**.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Yes
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	Yes

Regular session resumed at 10:01 am.
No action was taken in executive session.

Mr. Cannon stated that the T&M power point is an FYI progress report. Mr. Williams stated that they have asked for additional information that has since been provided. They are going to move forward with the bench testing possibly onsite, but they need to come up and look at the equipment that we have here. He also stated that they need to determine whether or not they can do it onsite or if they have to take it back to their lab. He also stated that this is moving forward.

Mr. Cannon questioned that the Administrative issue for employees that Mr. Williams provided to the Board, is that an FYI? Mr. Williams replied that this is just an FYI for now. Mr. Cannon stated that we will discuss this next month.

Mr. Cannon welcomed Cornerstone and Tetra Tech to the meeting and he thanked them for their patience.

Mr. Cannon stated that we appreciate the changes that were made that were expressed from our Board regarding Cornerstone. He thinks that this will help us tremendously moving forward as far as what the Board's intentions are of expanding the landfill, better communication, and better thoughts on both sides and maybe we get more answers quicker on the spot and we could move forward clearer. He thinks hopefully today we can all leave the room today and have even a more crystal clear vision of where he thinks we are going to go.

Mr. Cannon stated that right now the Board's feeling, and he thinks it is the consensus, that at this point Tasks 1 through 3 we are not going to have done right now. He thinks that we have discussed the "what ifs" as best as we all possible can at this time. We fully understand that they may be required at some point, but we are not certain. Both to the point of not required, and more importantly being able to keep us on schedule. We think the DEP it is still an open issue and at this point we know that they could come back to us when we submit something in January. If we have to do that at that time, then we will. We are looking at that more thoroughly.

Mr. Cannon stated that just to give an overview of conversation, Task 4, he thinks that we talked about last month or two months ago, that yes the Board did ask for additional information as to changing the footprint, what was the cubic yard, so on and so forth, and what was the plan. We agreed that we did not ask for a number on the spot and he does not think they could have given us a number on the spot at that time. He also stated that we were all taken back when the number came back to be \$12,000.00. Mr. Cannon stated that he thinks that we would have probably put a not to exceed at that point if we had a dollar idea. We would like to possibly not negotiate that today or however they want to proceed but we think that is excessive as far as the amount. He thinks that we should have received an email saying that this amount of work is going to be beyond the contract of \$320,000.00 and would the Board want to know that this work would be an additional \$12,000.00. He also stated that we are going to leave that open as interpretation or negotiation today, if they are able to.

Mr. Cannon stated that we want to go ahead with the full footprint. If change has to be made later on, then we will make a change later on. We would like to see that everything was done for our original contract amount of \$320,000.00. We understand that we have that one outstanding issue above the contract for the changes that we asked for but beyond that we think the other things are not necessary at this point.

Mr. Cannon asked if any other Board members would like to add to this discussion. Mr. Mach replied with no need.

Ms. Shaw stated that she has two points to make and we may be aware of it. She also stated that this was talked about this morning with Mr. Joe Fischl. She understands that this is being looked into with the DEP, is there any way around this as far as us taking jurisdiction? She understands those conversations are being had. She wanted to make sure that the Board knew that because this is an after the fact permit. Her understanding is the longer that this is potentially delayed, doing the mitigation of that wetlands, and

if it goes down that road, that they could ask us to, instead of mitigating .23 acres, they could ask for more. What is the terminology? Mr. Fischl replied that the terminology is functions and values.

Mr. Fischl stated that the DEP typically requires a mitigation to be concurrent with the action. He also stated that since the action happened in August, and then if we delay permitting after the fact permit, if they determine that they are jurisdictional, there may be an additional lift to accommodate loss of functions and values during the period when mitigation did not occur.

Ms. Shaw stated that she wanted this on the table.

Mr. Cannon stated that he thinks that this is standard operating procedures as far as a wetlands delineation. He understands that would be the case. He also stated that we questioned whether it even meets the criteria in the beginning, going back to the start of this. As far as we think from reading the regulations, he stated that it has to meet all three of the criteria and we do not think it does. He understands that in a normal sequence that you want to alleviate that and remediate ASAP. He thinks that our argument and/or our difference as to not even having anything on paper from the DEP at this point, he thinks leaves us a window of opportunity. We do not want to expend resources right now and that we understand that we may have to in the future.

Mr. Fischl stated that he agrees with Mr. Cannon and he thinks that it is very prudent for us to approach and contest them whether they believe that those wetlands are jurisdictional. He also stated that as you know wetlands are regulated by both the Corps and the State. DEP has assumed jurisdiction of the Corps Program and the definition under the Army Corps of Engineers. He believes that those wetlands would not be jurisdictional if it was only the Army Corps of Engineers. However, the State has a more stringent requirement but he thinks it is definitely prudent for us to get some sort of jurisdiction determination from the DEP.

Mr. Cannon stated that just for the record, could you state your name for the record? Mr. Joe Fischl who is a Supervising Ecologist with Tetra Tech.

Mr. Fischl stated that the DEP believes that if you are in a disturbed situation, you do not necessarily need the three parameters to document the wetlands. Mr. Cannon stated right and there is another piece of that pie when the original plan was approved by the State for the footprint, there was a delineation made at that time as to no wetlands were on the property what so ever. He is not sure if that was 1987 or 1988. Mr. Williams stated that it was 1986, the original EHIS plan for the site. Mr. Cannon stated that we all understand that the regulations have changed since.

Mr. Fischl stated that then the question comes, are these wetlands that were found within that borrow area incidental to construction? They were wetland features that were created in an upland situations. He also stated so are they jurisdictional because they are incidental to construction and he thinks that the argument from the stand point of the landfill is that construction is not complete until you cap it. He also stated that that would fit with the Army Corps definition. The Army Corps definition really talks about waters of the US and wetlands are included in that category. However, DEP's definition takes a more stringent look at what they would regulate as wetlands. They say as soon as you have vegetation that is no longer waters of the US or waters of the State it is now a wetland and we are going to regulate those differently. Mr. Fischl stated that that is the argument that he thinks that we need to make to the DEP is that these really are incidental to construction. They are in the borrow area and that from the stand point of a landfill, construction is not over until it is capped.

Mr. Cannon stated that the first half of that and the last paragraph, we may want that in writing from you.

Mr. Fischl stated that so the DEP will make the decision about “when is construction over.” He thinks that we want to make the argument that for a landfill, the construction is not over until closure. However, they may distinguish between construction of the landfill and operation of the landfill. They may consider us to be in operation mode rather than construction mode.

Mr. Williams stated that it is really an ongoing process with that stockpile because now we are literally deconstructing it. Not on a daily basis but we are constantly in there getting our soils for cover material. He also stated that if we would of never have done this, these areas would have been wiped out by the time we depleted that stock pile and nobody would have ever known that they existed.

Mr. Fischl stated that he thinks that what we want to do is prepare a weight of evidence in our favor saying that these are the conditions at the landfill and we believe that these features are not your jurisdiction because they are incidental to construction. Then construction is not complete until the landfill is closed. He also stated that is the argument to be made.

Mr. Fischl stated that technically the DEP will not take jurisdiction over those features if they are incidental to construction until construction is complete and those features become self-sustained. He also stated that along your previous argument that the borrow area is an active borrow area, it would not be self-sustaining until we completed it. Then those wetlands would become self-sustaining. He also stated but we are not at that point in history yet. He added that the other thing that we will need to demonstrate is that is an active borrow area. One of the things that they did notice in that area is that one of the wetlands did have woody vegetation. He also stated that the trees were approximately the size of his wrist so that suggested that those trees have been growing in that area for a while. We will have to justify what is our borrow schedule. How often do we borrow from that area? Is it ongoing? Is it once every two years? Once every five years? If we use other sources for capping the landfill and when those sources are not available, we then borrow from that area. He stated that these are the types of arguments we are really going to have to solidify in the justifications that we are going to need to make the DEP believe that.

Mr. Fischl stated right and that is what you want to do and you want to go forward with a weight of evidence. Mr. Fischl stated that this is part of the jurisdiction.

Mr. Fischl stated that these are questions that they may ask us when we are saying how do we use this area and how often do we borrow from it? What is our routine schedule?

Mr. Pryor stated that we will be establishing our own record with the DEP and it is probably time to cut off this conversation here. That is his feeling.

Mr. Beebe questioned if we need anything further from Cornerstone/Tetra Tech on this conversation and would we like them to send something in writing? Mr. Cannon replied with he thinks that those points and if we have those in writing, that would be great.

Mr. Mach stated that in order to have this thing worked the way we want it to work best, can we provide a transcript of what Mr. Fischl just said on tape for him to have as a reference for his letter to us? Mr. Cannon replied that if he needs it. Mr. Mach stated that to make sure that we do not have to diametrically opposed testimonies that come out of this. Ms. Shaw stated that she has heard this from him three or four times now.

Ms. Shaw stated that she has two other things to discuss. One is the schedule. She stated that the plan is to get this application in to the DEP in March. The EHIS addendum will need to reference that we have done this presence/absence, we did a delineation, and how we finished that paragraph is sort of yet to be determined. She also stated that hopefully our effort is fruitful and we will have a concluding paragraph to add to that document. If it is still ongoing when we submit the final to the DEP in March, she questioned what would we say that we are working towards? Mr. Cannon replied that we will not be ongoing in March. Ms. Shaw stated that or you will make a decision that they will go forward with the prior task. Mr. Cannon stated that we will have this, he hopes, by the end of the year, the latest. If not sooner.

Mr. Fischl stated that he thinks that the way that we would address that is that we would say that during sight review we found that there were biological wetlands within the borrow area. However, he stated that they were incidental to construction. They were isolated. They are not jurisdictional. Therefore, they were filled as part of the normal operations of the landfill.

Ms. Shaw stated that as far as the scheduling goes, we are going to submit in March. If it comes back that we are not fruitful and we have to move forward with these wetlands tasks, she thinks that we are talking about a schedule delay because that would be an addendum to our solid waste application, an addendum to the EHIS addendum that the wetlands mitigation occurred and we had to do the permitting. She stated that they are seeing that this only adds maybe a couple month delay. She thought it may be beneficial if we talked about our whole schedule. Our drop dead date of when we need to start construction. A drop dead date of when we need to get construction plans started so that we can do the RFP process. She questioned if we have charted this out?

Mr. Cannon stated that one of the questions that he did have during Executive Session and not sure he got the answer, but if we set aside Tasks 1, 2, and 3, his common sense tells him that their original projection on schedule here would possibly be expedited because they would not have to be doing Tasks 1, 2, and 3. He was hoping, at the minimum, that they would be able to possibly move up their schedule as to submission. Ms. Shaw stated that those are two separate tracks. Mr. Cannon stated that he did not know if setting aside 1, 2, and 3 was going to expedite them in any other regard that then that did not have to be done. He also stated that she is saying that this is not the case. Ms. Shaw stated that their plan was, two separate tracks and what they are planning to do is if we were going to perform Tasks 1, 2, and 3, state in the EHIS plan that they were being done. Mr. Cannon stated that this would only add on time and it would not detract time. Ms. Shaw stated that if we delay it and they ask for it, then that is just a little bit longer time that we have to give it to DEP.

Ms. Shaw stated that we are not delaying the application. We are delaying the approval process in getting the permit by a few months, maybe. That is what they are guessing at.

Mr. Beebe stated that the only critical path would be for the Phase 1B. He also stated that this has to be done when the ground is not frozen. If it is not done now, then it would have to be done in the spring but again this still leaves us in the window of approvals and review for the solid waste permit. There could be some delay in there.

Ms. Shaw stated that they think if they get all that, if it has to be done, and we get it while the DEP is reviewing the solid waste application, which can be three months to six months. She also stated that as long as we get it in that review period then she thinks that we will be ok and that it will not delay it that much.

Ms. Shaw stated that we do have some wiggle room as far as when we need to start the construction plans to enable us to start construction in the beginning of 2020 would be the latest. Mr. Williams stated that there was a timeline developed back in 2013. Mr. Beebe stated that yes there was a timeline. Mr. Williams stated that it is tight. Ms. Shaw stated that we have ten to fourteen months of leeway as far as delays if they were to come up.

Mr. Mach stated to look at it carefully and he does not think that we have that much time from their original plan that was submitted back in 2013. He does not think that we have that much wiggle room. Mr. Beebe stated that he forgets how much time we had on there for review in that original.

Ms. Shaw stated that she knows that we are focusing on the review time that they gave us but she just wanted to show us (demonstrating a drawing.) She stated that her diagram is going backwards. Her understanding was that we needed to start construction in 2020. Mr. Williams stated that he does not have that in front of him and that was three years ago but he can get it out. Ms. Shaw stated that this is her understanding based on questions that she has asked. Mr. Cannon stated that it is 2021 where we are out of space. Mr. Beebe stated 2021 is when we are scheduled to run out of space. Mr. Cannon stated that we have nine to fifteen months swing room depending upon on what is coming in. Ms. Shaw stated that we run out of space 2021. Mr. Williams stated that he thinks that the construction, off the top of his head, we are looking at 2018 for construction because it is about a two year process.

Mr. Mach stated that the original plan is June of 2018. Ms. Shaw questioned to start construction? Mr. Williams questioned Mr. Mach if he has the timeline? Mr. Mach replied that he has his own version of it. He stated that we are going to run out of landfill space in November 2021. As he remembers, from that original schedule that Mr. Beebe presented that what we have been working with. Ms. Shaw questioned that it will be two years to get that first area ready? Mr. Williams replied that there are infrastructures, piping and so on. Ms. Shaw replied with she knows and she has reviewed the plans. Mr. Beebe stated that he does not remember that off the top of his head. Ms. Shaw stated that 2018 is going to be a push then. Mr. Mach agreed. He also stated you are there. Ms. Shaw stated that the schedule that they have given us assumes that we would get our permit in April 2018, then we have to prepare construction plans which will take approximately six months to do plans and bid process so you are end of 2018, inching into 2019 to start construction.

Ms. Shaw stated that it is good that we are talking about the schedule. Mr. Cannon stated that he thinks that we just illustrated another point here that he does not think that anything has changed the schedule that dramatically on this side. Ms. Shaw questioned Mr. Cannon what does he mean changed the schedule that dramatically? Mr. Cannon replied that 2018 came as a surprise to her and that is a push. Ms. Shaw stated that she is surprised because her understanding was, not sure she is allowed to mention his name, but she had a conversation with Mark and he said 2020 would be the drop dead date that we need to start construction. Mr. Williams stated that he would have to look at this and he knows that Mark and Matt are copied on the schedule that we put together three years ago. Mr. Beebe stated that there is a difference between the date that we would prefer to start construction and a drop dead date. He also stated that the drop dead date would be 2020, obviously to get it quick. Ms. Shaw stated that she will have a review scheduled.

Mr. Beebe stated that typically you would like have the cell ready to go and constructed where you can move in there. You would like to have some buffer. Mr. Cannon stated that he understands and he thought we had taken a sort of conservative approach with including buffers and time schedules and he does not want to litigate the past. Mr. Beebe stated that this is where the 2018 comes from because it is giving us time to transition over and not be at the very peak of our existing.

Mr. Mach stated that at that time, this gave us a year from the time that we were set and ready and DEP approval and ready to go to the time that we would run out of landfill airspace. That was the original timeline. Ms. Shaw stated that she thinks that we still have time. Mr. Cannon stated that he thinks that we do too. Ms. Shaw stated that it is not a lot of time. Mr. Mach stated not a lot and if anything goes wrong in the process from this point forward then we are passed the date. We have not done a new number projection. Mr. Beebe replied that this was done in 2013. Mr. Cannon stated that he thinks that there is a very real possibility that there is more space due to the fact of incoming, to a degree. He also stated that if it is done on a conservative basis for schedule wise as Mr. Mach's point. He also stated that so there may be more buffer on that side too is all he is saying.

Mr. Williams stated that the estimate made was based on actual historic debris coming in. Mr. Cannon replied with right but it has not been in three years. Mr. Williams stated if we start detracting from that, then that reduces revenues. It will also take the life of the landfill out but it is reducing revenues coming in. Mr. Cannon responded with yes and there is wiggle room on our side too. He stated that we have not done that number since 2013. Mr. Mach stated that the update will not be very significant because we are working against the amount of material that we have to bring in here every year. He also stated that unless we shut the place down for a year that is the only way that you will get some significant leeway on the end of this schedule. Mr. Cannon stated that he does not know that. Mr. Williams responded that Mr. Mach is absolutely right because if we are bringing in 180,000 cubic yards per year. Mr. Cannon questioned that you are saying that the 2013 number is absolutely correct? Mr. Williams stated that it is based off of historical data. Mr. Mach stated that it is based off of historical data and the 2013 number is correct. Mr. Cannon stated that he is saying moving forward from 2013. Mr. Mach stated that moving forward, you are not going to have a lot of deviation. Mr. Williams stated that from when we did that analysis is 2013, it was based on the topographic surveys of what is remaining of the 6.1 million cubic yards. Mr. Cannon questioned that we have not done the 2013, 2014, 2015, and 2016 data? Mr. Williams replied with no we have not but all that is based on waste flows coming in and we have been consistent with our wastes coming in. Mr. Cannon stated that he is saying that there has not been an updated one and we do not know for sure. Mr. Williams replied that it is not going to change very much, if at all. Mr. Mach replied that it may be a month or two.

Ms. Shaw stated that her point is that we push off the wetlands stuff. She does not think that is going to impact the overall schedule significantly and she will define significantly, a month or two. She also stated that if we have to go down that road and as long as we get that result within the time period that DEP solid waste is reviewing our application and before we get to public hearing. There should not be any delay.

Ms. Shaw stated that her expectation is that we submit the solid waste application in March. This will be a twelve to fourteen month process for us to get our permit. She also stated so we are looking at the beginning of 2018 to get our permit and then we could start the construction plans in advance of getting a permit, if it is all looking good. She also stated that we could do that in advance if we thought we were running out of time.

Mr. Williams stated that he thinks that we may have used eighteen months for the DEP review in the timeline. Mr. Beebe stated that at the time that we gave the 2013 timeline, that was right after Hurricane Sandy and things were getting delayed. Ms. Shaw stated that the DEP were delaying a lot of stuff.

Ms. Shaw stated that other point that she wants to get out on the table is that she appreciated that we are considering Task 4. She hopes that we also understand that they are all here on their own dime and they

are not charging us. They are not charging us for everything that they prepared and the meeting that they have attended that last couple events. She also stated that they are here because they want to repair the relationship. There are things that they are not charging us for and they felt that this was one item that should be considered. The full amount was quite an effort to pull that together in that amount of time. She asked for our consideration to cover Task 4.

Mr. Cannon stated that the other things that Ms. Shaw is bringing up are not here. He also stated that the points that she just made as far as dollars and cents that are not on paper here that they have done and have not charged us. He also stated that none of us expected that work to cost us nothing when we asked. He thinks that it was the sticker shock of "after the fact" that maybe due to just the fact it was more work than initially realized. Mr. Beebe should have informed us. We did not know this. Ms. Shaw stated that shame on us. Mr. Cannon stated that this is the part of it and we are not saying that work was not done. None of us feel that way whatsoever. He thinks that we should have been given the opportunity ahead of time to say this additional part of it is going to be \$4,000.00 or \$5,000.00 more, do you guys really want this?

Mr. Cannon questioned Ms. Shaw, are you willing to discuss that number today or is that outside of the parameters? He thinks that we are willing to make an offer. He does not know how we do this but he thinks that it is clear that we are not happy with \$12,000.00. We understand that there were costs involved. He also stated that they could put the entire picture together. Mr. Williams stated a breakdown. Mr. Cannon stated just a breakdown of the things that we are not talking about here. Then give us a ballpark in that figure. Ms. Shaw stated ok and what they are not charging.

Mr. Cannon questioned if the other members were fair with that? Mr. Mach replied with that is reasonable. Mr. Williams will get this from Ms. Shaw and will distribute to everyone.

Mr. Williams questioned Ms. Shaw if she could have this to him in about two weeks? Ms. Shaw replied with yes. Mr. Williams stated that the other reason why he said this is because our next Board meeting is November 28th. Ms. Shaw stated that she will have this to Mr. Williams next week.

Ms. Shaw stated that one other point that she wanted to clarify is in the letter because the plans are so far along and the engineering is basically done, her preference would be instead of her spending all of the time to get up to speed and to be able to sign these drawings is that she still has Mr. Mark Swyka sign the drawings as the certifying engineer. She wanted to make sure that we were ok with that. Mr. Pryor stated that he can only speak professionally. He also stated that it is the New Jersey Law that whoever signs the drawing is able to say with an honest face that they were prepared under his responsible charge. Ms. Shaw responded that they have been under Mr. Mark Swyka. Mr. Pryor stated that you are going to have to decide that. That is a professional issue. Ms. Shaw stated that if you do not have a problem, she just wanted to have open communication. Mr. Pryor stated that he has not talked to the Board about this but the New Jersey P.E. Laws is the law.

Mr. Cannon asked if anyone else had any questions?

Ms. Shaw stated that the next Board meeting, do you want all of us here? Mr. Williams stated that he does not know if we need everybody. Mr. Cannon replied with at this point he does not think that it is necessary. Mr. Williams stated that we are going to go forward with the application so he thinks that maybe the next time we may have them here is once we hear back from the DEP whether or not a modification may or may not have to be made to the application.

Mr. Beebe stated that he thinks that we could restart and anything that he needs, he can ask Mr. Williams for. Mr. Williams stated that he guesses the only thing is possibly regarding Task 4 if we want to negotiate with Cornerstone what they come back with. Ms. Cannon stated that Ms. Shaw is going to send us something in an email and then we could discuss this and make an offer at that point of what she will put in there for us to consider. Is that fair enough? Ms. Shaw questioned if she would need to attend the Board meeting? Mr. Cannon replied with he does not think so. He would hope that even by the December meeting that maybe we will have something substantial. He also stated that they should pencil us in for December. Mr. Cannon stated that the December meeting is Monday, December 19th.

Mr. Fischl questioned if he could get one clarification from the Board if we would like to move forward with for the jurisdictional determination because there are two sets of wetlands. He stated that the wetlands that are associated with the borrow area; those would be wetlands 2, 3, and 4 and then there is a wetlands associated with the storm water detention basin. Mr. Cannon stated that he thinks that the basin and he thinks that Mr. Pryor talked about. Mr. Pryor stated that it has been his contention all along that it is a onetime maintenance issue and he does not know where that ties to this project necessarily. He also stated that we could have addressed this a year ago and we could address this a year from now. He does not want to trigger archeology and all the stuff because of maintenance. Mr. Fischl stated that he agrees and he thinks that is an independent issue. He thinks that if your activities are going to be maintained within the original boundary of the detention basin then archeology will probably just address that and this will not be an issue. We just say that was prior disturbed and no need for archeological further assessment at that location. He stated that the only thing is that they are perhaps wetlands that may have expanded beyond the original boundary of your storm water detention basin which you would not affect it is part of your maintenance effort.

Mr. Pryor stated that he does have one question for Mr. Beebe. We are proceeding with our leachate study and we were supposed to get a leachate model and that has been at 95% percent for a long time. Mr. Beebe responded that he will make sure that we receive a copy. Mr. Pryor stated that he does not know how that will affect us. Ms. Shaw questioned what is the model? Mr. Beebe replied the leachate generation. Mr. Pryor stated that this is something that we should have this week to move forward with our other study. Mr. Williams stated that is a good point. Mr. Beebe stated that he will get that to us shortly.

Ms. Shaw stated that what they talked about this morning as far as things that could be delayed and they agree that it is a maintenance that we do need to do that permitting until we are ready to go in there and do the maintenance. She also stated that as long as the basins are working for what you have constructed, there is no reason to have to go and do the maintenance. She also stated that you probably would not do it until you get this expansion area and you probably need that extra capacity area to handle the expansion tributary area. Mr. Pryor stated that he is looking for a way to minimize the permitting issues and he has had that feeling about the basin for a long time, to deal with that separately. Ms. Shaw stated that you are going to have to do it when... Mr. Pryor stated that he understands but there is no sense tying up a whole landfill expansion over archeology and what not for the basin.

Ms. Shaw stated that she does not have anything else.

Mr. Cannon stated that we greatly appreciate and he thinks that we really have input today that was fantastic. He thinks that moving forward, he will leave here with less of a headache than normal. He really appreciates it.

Ms. Shaw, Mr. Fischl, and Mr. Beebe left the meeting at 10:49 am.

Mr. Mach questioned do we have to make any formal action on this whole discussion that we had? Do we have to make a formal motion or resolution on what we decided to do going forward with this plan? Mr. Cannon replied that we did not change the contract so we are not exceeding the original contract. They are going to give us a counter proposal on the \$12,000.00. Up until that point, he stated that what we decide on the \$12,000.00 or less, obviously, then that would be a change that we would have to have a resolution to add to the original contract, correct? Ms. Fina replied with correct. Mr. Cannon stated but up to this point, no. He also stated that they were proposing additional things to their additional contract and we did not agree to that.

Mr. Pryor made a motion to go into Executive Session, seconded by **Mr. Allen**.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Yes
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	Yes

Executive Session was entered at 10:51 am.

Mr. Pryor made a motion to come out of Executive Session, seconded by **Mr. Allen**.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Yes
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	Yes

Regular session resumed at 10:54 am.

No action was taken in executive session.

ADJOURNMENT

With no other business to discuss, **Mr. Pryor** motioned to Adjourn, seconded by **Mr. Allen**, at 10:55 am.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Yes
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	Yes

Respectfully submitted by:
Jamie Banghart, Recording Secretary

Approved: 11/28/16