

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF SPECIAL MONTHLY MEETING  
April 8, 2013

(MODIFIED)

Chairman Davenport called the special meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:00 A.M.

Authority Members present: Holly Mackey, Todd Yanoff, James Cannon and Robert Davenport.

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

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

Pledge of Allegiance / Introductory Statement

**PUBLIC COMMENTS (AGENDA ITEMS ONLY)**

None

Mr. Cannon questioned the new introductory statement. Mr. Williams stated that the introductory statement now mirrors the County’s introductory statement. Therefore, Mr. Williams stated that we did not have to have counsel review it.

**FACILITIES/RECYLCING**

Mr. Davenport stated that Covanta would like to extend the Covanta Essex Ash disposal agreement. Mr. Williams stated that Covanta is asking for a two month extension on the Ash disposal agreement. The original contract ended on March 31, 2013. This agreement would extend until May 31, 2013. Mr. Williams stated that Covanta was hoping to be here today for a presentation on the screening process at the landfill for the PCFA board but they are still in negotiations and discussions with the DEP on how to properly permit the screening process at this facility. Mr. Yanoff asked how the process would work on the screening of the ash to get the metal out. Mr. Williams stated that it is a magnet. Mr. Williams stated that Covanta will have to explain the process further to us when we have a meeting with them. The first step in this screening process is to get all the permits required before we can go any further, according to Mr. Williams. Mr. Cannon questioned if Covanta presented to the DEP on how they would want to get that permit, describe the process and what authority would we have if we (the PCFA) decided we did not want to do this. Mr. Williams stated that nothing has been put in writing to the DEP. This is all verbal discussions. Mr. Williams stated that once all permits are

issued, the draft form of the process will be submitted to us and we will review it and submit it under our letter head. All documents will go through us first before we approve this process. Mr. Cannon had some concerns regarding this process. Mr. Cannon's main concern is the Board being informed on all the conversations between Covanta and the DEP.

The next topic of discussion was the Essex Ash Agreement.

Mr. Cannon stated that he could not find the copy of the original Essex Ash Agreement with Covanta, which made it hard to reference the contract. Mr. Williams gave Mr. Cannon and all members a copy of the original agreement. Mr. Tipton stated that the original contract extends off of a previous agreement from 2005. Mr. Tipton agreed that a two month extension is a reasonable period of time for them to get their act together and to figure out what they want to do. Mr. Tipton also stated that this is a very simple legal document.

**Mr. Yanoff** motioned for the extension on the existing Covanta Essex Ash until May 31, 2013, seconded by **Mrs. Mackey**.

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

Mr. Williams obtained additional information on the Maser Invoice. Mr. Williams did receive an email from Mr. Mach and that Mr. Mach is ok with the invoice and the documents that have been received. Mr. Davenport stated that the issue was that two employees on the Maser invoice were given the same hours, but one employee did stay on site longer.

**Mrs. Mackey** made a motion to pay the Maser invoice, seconded by **Mr. Davenport**.

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

Mr. Williams stated that there was one more item that is not on the Agenda to discuss. Mr. Williams would like authorization from the Board to have counsel review the land lease agreements for the incinerator and the landfill regarding indemnifications and protections at the County level since the County is actually the land owner. Mr. Williams provided a copy of the land lease agreement to the County so that their counsel can have a look at them also. Mr. Williams also gave a copy to Mr. Tipton. Mr. Yanoff inquired what the limits of counsel would be to review these land lease agreements. Mr. Williams stated that we would not be spending a lot of money and that it will be a review done on both sides (the County and PCFA). Mr. Cannon stated that if the County is reviewing them already, then we should see what the County comes back with. Mr. Tipton agreed to keep the costs to a minimum.

**Mr. Cannon** made a motion authorizing Mr. Tipton to coordinate with WC counsel in the review and research on the Ground Leases and related documents for the Landfill and RRF, seconded by **Mrs. Mackey**.

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

Mr. Davenport - Yes

Mr. Cannon requested a copy of the 2013 Holiday schedule. Mr. Cannon stated that it is not necessary to send out all the arrear notices to the Board each week. Mr. Williams stated that the arrears were sent out each week to keep the Board apprise of what is going on here at the PCFA. Mr. Cannon requested that a ledger with the arrears would be acceptable but not each individual letter. The Board agreed that the arrear letters will no longer be sent out to Board.

### **EXECUTIVE SESSION**

Executive Session was not necessary at this time.

### **ADJOURNMENT**

*Mrs. Mackey* motioned to Adjourn at 9:23 am, seconded by *Mr. Yanoff*.

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

Respectfully submitted by:

Recording Secretary  
Jamie Banghart

Approved: