

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

October 23, 2017

Chairman James Cannon called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:35 am.

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

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

Also present: James Williams, Director of Operations; Dan Olshefski, Chief Financial Officer; Brian Tipton, General Counsel; Edward Smith, Freeholder Deputy Director; Jim Entwistle, NewTech Recycling, Inc.; Dave Balken, Balken Risk Management; John Daly, Balken Risk Management; Jamie Banghart, Administrative Supervisor; Crystal Gild, Recording Secretary.

The Pledge of Allegiance was led by Chairman Cannon.

Mr. Cannon read the following statement: "Adequate notice of this meeting of October 23, 2017 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".

Mr. Cannon stated that today's Agenda may change.

Mr. Cannon stated that Agenda Item M-3 (October 13, 2017 Special Meeting Minutes) would be moved to the Agenda for the November meeting. Mr. Cannon stated that the board did not have adequate time to review these minutes.

Mr. Cannon presented the Revised Agenda. Mr. Cannon stated that the Revised Agenda includes Electronics Recycling and the Bid Results for the Removal and Replacement of Sidewalks/Curbing at the Administration building.

Mr. Cannon stated that he is going to change the order of the meeting and begin the meeting with a discussion regarding electronics recycling.

Mr. Cannon stated that Mr. Jim Entwistle of NewTech Recycling Inc. is present today to speak with the board regarding electronics recycling.

Mr. Cannon stated that he and Mr. Williams had called Mr. Entwistle immediately following the Special Meeting on October 13, 2017. Mr. Cannon stated that they had discussed figures and other information during the call. Mr. Cannon stated that he feels that Mr. Entwistle has a wealth of information regarding what is going on with electronics recycling.

Mr. Cannon stated that Mr. Entwistle graciously agreed to come address the board today.

Mr. Cannon stated that he does not believe that we will be able to move forward with an Electronics Recycling Event at this time due to issues with the allocations of the grant money that was previously believed to be available for our use.

Mr. Cannon stated that he is unsure if we will be able to solve the electronics recycling problem. Mr. Cannon noted that this is a State and County problem to which we are attempting to step forward and help with but that unfortunately it does not appear as if we will be able to do anything this year.

Mr. Cannon asked Mr. Entwistle to introduce himself to the board and begin his presentation.

Mr. Entwistle stated that he is the President and Owner of NewTech Recycling, Inc.

Mr. Entwistle thanked the board for having him today.

Mr. Entwistle stated that NewTech has done our electronics recycling in the past.

Mr. Entwistle stated that the Electronics Law in the State of New Jersey is a manufacturer based program and explained that the manufacturers are supposed to pay for the recycling of consumer electronics also known as covered electronics devices which include computers, monitors, laptops and TVs.

Mr. Entwistle stated that back in 2015 NewTech worked with 7 counties, including Warren County. He noted that NewTech would host collection events, milk runs, and pick up and recycle the electronics and then bill the manufacturers. Mr. Entwistle stated that at this time NewTech was the largest electronic recycler for these programs in the state. Mr. Entwistle stated that NewTech was supported by a group named MRM which is a co-op group of Panasonic, Sharp, Toshiba, and Cannon. He noted that there are now several other manufacturers within the co-op because it has changed.

Mr. Entwistle explained that throughout 2015 they started to see a change in the policy of the manufacturers. He further explained that the manufacturers, who basically controlled the law and who they work with, stated that NewTech needed to work for less. Mr. Entwistle stated that NewTech told the manufacturers that they could not work for less because their costs were going up. He stated that NewTech told the manufacturers that they would need to negotiate a better price or that they would try to get a law change. Mr. Entwistle stated that at the mid to end of 2015 NewTech started to fight for a law change in the state. He explained that he testified between 8 and 9 times in front of the Senate Environmental Committee and the Assembly Environmental Committee. Mr. Entwistle stated that Senator Bob Smith “quarterbacked” the fight for the law change. Mr. Entwistle explained that Senator Smith is “very much and electronics recycling guy”.

Mr. Entwistle stated that NewTech went through a very long process and a lot of fights with the manufacturers, all while knowing that as a vendor of the manufacturers that him testifying against them would result in NewTech losing the business of the manufacturers. Mr. Entwistle explained that this was a big decision on NewTech's part as far as their business went but that they could not operate with the funding that the manufacturers were offering them. Mr. Entwistle stated that he made a decision to "fight" the manufacturers. Mr. Entwistle also stated that the manufacturers said that NewTech would never get a law change. He stated that NewTech did in fact get a law change.

Mr. Entwistle stated that the law change does not really help us with our problem though.

Mr. Entwistle explained what the law change entailed. He stated that one of the changes was that out of state recyclers would have to pay the same "gate fee" that in state recyclers have to pay. He noted that NewTech pays the state \$20,000.00 to \$25,000.00 per year for their license and that they felt that out of state recyclers should have to pay the same fee. Mr. Entwistle stated that another change was that printers were added as a covered electronic device. Mr. Entwistle stated that they were also able to get Municipalities and Schools written into the law as entities that were covered under the law. Mr. Entwistle stated that the last new change was the "State-wide Plan". He explained that the State-wide plan is the ability that was given to the DEP to enact a program that would cover entities that were not being covered throughout the state. He further explained that this would give them the "autonomy or the power" to go to vendors or go out to bid for services for areas that previously were not getting service. Mr. Entwistle stated that NewTech was in favor of this change because they were basically "on the out".

Mr. Entwistle stated that the manufacturers had pushed NewTech out of the program in 2016 through 2017. He explained that he had predicted that this would happen and noted that he had spoken to the Senators while he was testifying and explained to them that NewTech would be "done". Mr. Entwistle stated that the manufacturers "ousted" NewTech out of all of the programs. Mr. Entwistle stated that he had called Mr. Williams to let him know that NewTech was "done". Mr. Entwistle stated that NewTech lost a lot of great customers during this time but that "his hands were basically tied".

Mr. Entwistle stated that during 2016 and 2017 he did negotiate with a couple of counties directly and worked "outside the program". He noted that Mercer County was a great example of this. Mr. Entwistle explained that with Mercer County NewTech worked "totally outside the program" and had no coverage from the manufacturers. Mr. Entwistle stated that basically he billed Mercer County for the services that NewTech provided. Mr. Entwistle noted that last year NewTech worked with Hunterdon County. He also noted that Hunterdon County just went out for bid again. Mr. Entwistle stated that he does not believe that NewTech is going to win the Hunterdon County bid because they found someone to do "a piece of it for nothing". Mr. Entwistle stated that this is great for Hunterdon County.

Mr. Entwistle stated that Mr. Williams had contacted him and asked if NewTech was ever going to bid for the PCFA's program again. Mr. Entwistle stated that he told Mr. Williams that NewTech would bid on our program with certain understandings.

Mr. Entwistle explained that NewTech is a for-profit company and that they need to run their business. Mr. Entwistle stated that NewTech runs a very good operation as far as service goes and that they pride themselves on their environmental track record throughout the state.

Mr. Entwistle stated that NewTech would only be able to provide us with a "for fee" service.

Mr. Entwistle stated that he had 3 representatives from the DEP at NewTech a little over a month and a half ago. He noted that it was a 3 hour tour with 1 ½ hours being spent in his office discussing the “State-wide Plan” and the other 1 ½ hours touring his facility.

Mr. Entwistle stated that he “feels our pain” and that he knows our situation. He stated that he has been personally at recycling events in Warren County. He explained that he has been here at our facility unloading cars and taking TVs and that we have a challenge. Mr. Entwistle stated that since we are a Rural County the manufacturers are not interested in coming to us and noted that this is exactly why the “State-wide Plan” should be in place.

Mr. Cannon asked if there is a big difference between Hunterdon County and Warren County? Mr. Entwistle stated that Hunterdon County is similar which is why NewTech has worked with them for so many years. He reiterated that NewTech worked with Hunterdon County “outside the program” and “for fee”. He noted that he believes that the vendor who bid against NewTech for Hunterdon County this time is within the manufacturer programs.

Mr. Entwistle stated that his advice to us is to reach out to the manufacturers to see if they are willing to do something for us. He noted that NewTech is always here to help. Mr. Entwistle stated that NewTech is willing to run the program and that we know where they stand as far as the pricing goes. Mr. Entwistle stated that as far as our grant money goes he will “take a back seat” because he does not want to get involved with the politics of it.

Mr. Cannon asked Mr. Entwistle to explain why the Bid Bond was an issue for NewTech? Mr. Cannon stated that we changed our bond requirements and noted that NewTech would not even bid on our program with our original bond requirements. Mr. Cannon asked if other counties required a Bid Bond or if it was something specific only from us? Mr. Entwistle stated that previously our bid required a “service bond” that NewTech would need to post. Mr. Entwistle stated “we are who we are” in regards to NewTech. He also stated that NewTech is regulated by the state and that if he does not do his job he is “done”. Mr. Entwistle explained that as a business entity NewTech backed away because of the bond. He noted that this was one of the main reasons that they backed away from our bid. He added that they also backed away because they were charging. Mr. Entwistle stated that he knows we have performance bonds but that as a business owner he felt it was not something they needed.

Mr. Cannon asked if other counties and entities were requiring a bond? Mr. Entwistle stated that he does not believe that Mercer County does and that he also believes that Hunterdon County does either but that he does not remember. Mr. Williams stated that Hunterdon County used to require it in their bid as well but that it has now been removed. Mr. Entwistle stated that NewTech had requested that Hunterdon County remove the bond from their bid document as well. Mr. Entwistle stated that NewTech appreciates that we removed the bond from our bid.

Mr. Cannon asked if the cost of the bond is prohibitive. Mr. Entwistle stated that it is just another cost that ties up money, which is the problem.

Mr. Cannon asked what the volume comparison is between Hunterdon County and Warren County? Mr. Entwistle stated that the volumes are similar. He noted that our event is “very TV heavy”. He also noted that we have a lot of pickup trucks and trailers come to our events. Mr. Cannon stated that we had been discussing limiting our event to Warren County residents only and limiting the amount of items per car that would be accepted.

Mr. Cannon stated that he knows that Mr. Entwistle is not keen on holding an event on a Sunday either. He asked if Hunterdon County does their event on a Sunday? Mr. Entwistle stated that Hunterdon County holds their event on a Saturday. Mr. Entwistle stated that “Sunday is family day”.

Mr. Cannon stated that even with limiting the amount of items that would be allowed per vehicle that we were looking at filling 10 trailers. Mr. Entwistle agreed. Mr. Entwistle stated that he had sent over the breakdown. Mr. Williams stated that yes, he did. Mr. Entwistle stated that he gave a “pretty tight breakdown” Mr. Williams agreed. Mr. Williams stated that they had been “kicking around” a couple of ideas as to how to limit the event. Mr. Cannon stated that they were trying to calculate a formula. Mr. Williams stated that we discussed limiting the amount of items per car. Mr. Cannon stated that we were going to try to cut back on how many trailers we would fill. Mr. Cannon stated that it seems to him that schools and public entities have found a way to dispose of their own electronics either with NewTech or other vendors. Mr. Entwistle agreed. Mr. Cannon stated that we were expecting to bring in a lower volume during this event with the new limitations. Mr. Cannon stated that we were basing our calculations off of the estimate that 500 cars would come to our event with a limit on the items per vehicle. Mr. Williams stated that this is a hypothetical number based on past history.

Mr. Cannon stated that we had even considered placing a cap at a certain point but that he is aware that Mr. Entwistle was not fond about the idea of stopping the line once the cap was met and then turning people away. Mr. Entwistle explained that he could see the people who were turned away dumping their items along the side of the road and that they would end up having to come back and do a roadside cleanup all the way down to Route 31. Mr. Cannon agreed.

Mr. Cannon stated that the PCFA is trying to help with a problem that no one else has stepped forward to do. He noted that we have been trying to facilitate something for months. Mr. Cannon stated that he believes we have “struck out” and that he does not know what else to do to move forward.

Mr. Cannon stated that the state has some “strings attached” to how the grant money can be used and what it can be used for. Mr. Cannon noted that there is “a ton of grey area” regarding this. Mr. Cannon stated that we will not be able to do this event in 3 weeks as we had hoped. Mr. Cannon also stated that we are not going to be outside in December in the cold weather running the event either.

Mr. Cannon stated that he is willing to listen if anyone else has any ideas.

Mr. Pryor asked how we would have to change our bid to make it so that we could have some kind of event? Mr. Entwistle stated that he believes that Mr. Cannon, Mr. Williams and himself had negotiated to a point where everyone was willing to do the event. He noted that it helped NewTech that we took the bid bond out of our bid document. Mr. Entwistle stated that the final structure of the bid was fine. He stated that the bid was not the issue and explained that the issue is our funding and how we can handle it internally.

Mr. Pryor stated that he bought a printer from Best Buy and they gave him a \$20.00 credit towards a new printer. Mr. Pryor stated that it was a Hewlett-Packard printer and that he assumes that this is a program that they work through the manufacturer. Mr. Entwistle said that it is. He noted that this is one of the ways that the manufacturers “cover themselves”. Mr. Entwistle stated that there are a lot of nuances to the law and if you have read the law it is not an easy law to read. Mr. Entwistle stated that the manufacturers are required to have “convenience locations” within every single county throughout the State of New Jersey. He noted that if there is a BestBuy in a county that this may be a way that the manufacturers might be “getting away with some of that”. Mr. Pryor stated that it also promotes their

product all over again. Mr. Entwistle agreed. Mr. Entwistle stated that there is “a lot of grey area”. Mr. Entwistle referred to when Mr. Cannon mentioned non-covered devices and stated that a lot of recyclers “play in that world” but that he tends to avoid it. He stated that he avoids it because it is the “grey area where these guys kind of hide their fees”. Mr. Entwistle stated that he is pretty straight forward with how NewTech does things and noted that his reputation is too important.

Mr. Pryor stated that there are local entities that are holding electronics recycling events. He stated that he does not know how they are doing it. Mr. Williams stated that there have been a number of municipalities this year that have held electronics recycling events. Mr. Williams also stated that other entities such as Abilities charge a certain fee. He also noted that the Salvation Army in Hackettstown is another entity that participates in electronics recycling.

Mr. Pryor proposed the idea of instead of holding an event that we allow residents to bring their electronic items here for a fee and accumulate the items here and then pay NewTech to collect them. Mr. Pryor asked if this would be feasible? Mr. Entwistle stated that it would and explained that Morris County used to do this years ago. He noted that it did “bog the line down”. Mr. Pryor stated that people have TVs in their garages and if they “paid a few bucks” to get rid of them that we could store them and then work something out with NewTech to collect them. He noted that he did not know if there was feasibility to this but that at least people would have an outlet. Mr. Entwistle stated that where we stored the items would need to be covered.

Mr. Williams explained that if we were to go this route we would have to look into how the vendor would want the items stored and stacked, who would be doing the stacking, and if our employees would be stacking these heavy TVs. Mr. Williams stated that we would have to be wary of workers compensation issues such as someone hurting their back. Mr. Williams questioned if one of the TVs were to fall over and break would we then have a hazardous spill on site because the picture tube broke open. Mr. Williams noted that these are some things that Mr. Dave Dech and he have discussed quite a few times over the last couple of years. Mr. Williams stated that there would be issues with doing this.

Mr. Allen stated that there would be issues no matter how we do it. Mr. Allen asked Mr. Entwistle if they do the actual recycling or if they are just the transport? Mr. Entwistle answered that NewTech does the processing of CRT devices at their facility. Mr. Allen asked if they were reclaiming the precious metals? Mr. Entwistle explained that they take it down to a commodity which means that they cut the CRT tubes at his location and separate the leaded glass from the non-leaded glass. Mr. Allen asked what happens to the byproduct? Mr. Entwistle stated that the byproducts go to a secondary smelter. Mr. Allen stated that they end up in a landfill someplace. Mr. Entwistle stated, absolutely not. Mr. Allen asked really? Mr. Entwistle stated that the byproduct cannot go to a landfill.

Mr. Allen asked if Mr. Entwistle could further explain the manufacturer issues? He also asked if the manufacturers were regulated by the EPA? Mr. Entwistle stated that the DEP oversees the program. Mr. Allen asked if it was the DEP or the EPA that oversees the program? Mr. Entwistle reiterated that it is the DEP. Mr. Allen asked if this was the same for all states? Mr. Entwistle stated that all of the states work individually and have their own programs. Mr. Entwistle provided the following example by stating that he is the largest recycler in Connecticut and noting that he sends 3 “straight trucks”, 28ft trucks, into Connecticut everyday. He explained that each state develops a different law. Mr. Entwistle stated that Connecticut’s law is, in his opinion, the most favorable because the State controls the law and hires the vendors to handle the processing and the State also sets the fees and oversee the fee structure. Mr. Entwistle stated that in New Jersey the manufacturers are given a set quota of weight that they need to collect. He noted that because of this the manufacturers need to go to the marketplace to find the

material to meet their quota. Mr. Entwistle stated that in New Jersey the manufacturers are controlling the fee structure. Mr. Entwistle stated that the manufacturers “hate” the Connecticut laws and he also stated that as a business owner he “loves” the Connecticut laws. Mr. Entwistle noted that he understands why the manufacturers “don’t like” the Connecticut law and why they would rather have the New Jersey style law. Mr. Entwistle also noted that Connecticut is an unlimited law meaning that they have to pay for whatever he collects. Mr. Entwistle stated that in New Jersey they “kind of” got it into the law that they have to pay for whatever is collected but that it is not as “cut and dry” as the Connecticut law.

Mr. Entwistle stated that the manufacturers do have a responsibility but that it is the way that they do things that he questions. Mr. Entwistle explained that from the discussions he has had with the DEP it is his understanding that the manufacturers are never going to make their weight. He stated that this is because there is a change and provided the example that probably everybody in this room has gone from a CRT TV to a flat screen TV. Mr. Entwistle explained that a CRT TV might weigh 200 to 300 pounds and that a flat screen TV may only weigh 50 pounds. Mr. Entwistle further explained that if one was to make a proposal to a manufacturer such as Samsung who needs to collect 10,000,000 pounds that 10,000,000 pounds in CRTs is different than 10,000,000 pounds of flat screen devices. He noted that the manufacturers are never going to make the weights. He also noted that the manufacturers don’t want to hear this and reiterated that they will not make the weights.

Mr. Cannon stated that volume is a good thing for NewTech. Mr. Entwistle agreed. Mr. Cannon stated that when we provided them with 10 trailers of product that it was not an issue and noted that if NewTech is “going to do it, they want to do it”. Mr. Entwistle agreed and stated that “if we are going in, we are going in.” Mr. Cannon stated that he understands completely and noted that he just wanted to tell Mr. Entwistle this face to face. Mr. Entwistle stated that he feels that he and Mr. Cannon are on the same page.

Freeholder Deputy Director Smith stated that he and his recycling coordinator have been “working phones” right until the end. Mr. Smith stated that his recycling coordinator explained to him on Friday that there are annual quotas. Mr. Smith stated that we are at the end of the year now and noted that this leads to a question. Mr. Smith asked if we “go in on the front end” if it would change that? Mr. Smith stated that Mr. Entwistle stated that the manufacturers are not going to make weight and noted that they are telling him that they have already met their 2017 quota. Mr. Smith noted that in 2018 it would start all over again.

Mr. Entwistle stated that it does start all over again but also noted that it changes in 2018 as well because the structure changes. Mr. Entwistle explained that the new law that he had described previously goes into effect in 2018 and changes the dynamic of the collection. Mr. Entwistle also explained that as far as the weights go he does not believe that the manufacturers are going to make the weight. He noted that the manufacturers have to deal with the DEP if they do not make their weight quota and stated that there is a large fee if they do not make the quota. Mr. Entwistle that the fee is \$00.50 per pound for each pound that they are short of the quota. Mr. Entwistle noted that the manufacturers may “scramble” at the end of the year looking for weight and stated that he has seen this happen before.

Mr. Entwistle stated that our challenge is the daily operation of a program and that we do not want to have to worry about the weight and all of this “stuff”, that we simply want the program to run. He noted that this is how it should be.

Mr. Entwistle stated that he is hopeful that the “State-wide Plan” goes into effect and that NewTech can participate in that. Mr. Entwistle stated that the DEP has actually asked him to run the “State-wide Plan” and noted laughingly that he feels that this is a little bit of a conflict of interest.

Mr. Smith stated that he believes that the dilemma that the County faces and ultimately the PCFA faces is that we have our “feet to the fire” over moving forward and explained that if we were to do this and it is not covered that it would pretty much be a “political black eye” because we did not “use the program”. Mr. Smith stated that he believes that this is what the concern is from the County perspective. He noted that if there is supposed to be a procedure as to where the fees are supposed to be utilized for a specific purpose and we do not do that and use other funds to “go around it” that someone could come back and say that this was supposed to have been paid for that it can get somewhat convoluted.

Mr. Entwistle stated that he believes the challenge is getting the manufacturers to come to Warren County and service our area. Mr. Smith agreed. Mr. Cannon stated that he does not believe that the State would care if the PCFA wrote a check to NewTech if we were using the monies from the Authority to pay. Mr. Entwistle agreed.

Mr. Entwistle stated that regarding the use of the grant money we should contact Mr. Dan Napoleon of Mercer County. (Mr. Dan Napoleon is the Director of Environmental Programs for the Mercer County Improvement Authority.) Mr. Entwistle stated that we should ask Mr. Napoleon if he is using grant money to pay for the electronics recycling in Mercer County.

Mr. Williams stated that Mr. Dech has been trying to reach out to people at the State to find out how the grant money can be used. Mr. Smith stated that Mr. Dech had spoken to Ms. Marie Kruzan on Friday. Mr. Smith explained that Ms. Kruzan is the Executive Director of the Association of New Jersey Recyclers (ANJR). Mr. Smith stated that Mr. Dech was trying to get an industry perspective. Mr. Smith asked Mr. Entwistle if he is part of the ANJR? Mr. Entwistle stated that he is a board member of the ANJR. Mr. Smith stated that the County is trying to ensure that they are fulfilling their fiduciary role and that they are not utilizing resources that are supposed to be coming from manufacturers. Mr. Entwistle stated his understanding.

Mr. Entwistle suggested asking Mr. Napoleon how he is using his grant money. Mr. Entwistle stated not to quote him on this but noted that he believes that Mr. Napoleon is using grant money to pay for the services that NewTech is providing to Mercer County. Mr. Smith asked the money was being used for included items as well? Mr. Entwistle stated that we need to ask Mr. Napoleon.

Mr. Entwistle stated that as far as the manufacturers paying that he wants the manufacturers to pay. He stated that he wants us to have free programs and noted that this is the essence of the law. Mr. Entwistle stated that he testified several times regarding this. He noted that the manufacturers just need to be willing to come up here to do it. Mr. Smith asked if this dynamic changes with the enactment of the law in 2018? Mr. Entwistle answered, maybe. Mr. Entwistle stated that if the “State-wide Plan” goes into effect that it gives NewTech more flexibility but that it is a longer process. Mr. Entwistle noted that if the “State-wide Plan” goes into effect that he would be able to come back to the PCFA and say that NewTech is “back in” and noted that right now “they are out”.

Mr. Williams asked Mr. Entwistle if he knows that if we were to have a drop-off location here if we would be getting into the small quantity or large quantity generator permitting and everything that is associated with it? Mr. Entwistle answered, absolutely and stated that it does not take much to go from a small quantity generator to a large quantity generator. Mr. Williams asked if after 11,000 pounds we would be considered a large quantity generator? Mr. Entwistle answered yes and explained that we would then get into the regulations. Mr. Entwistle stated that “we do not want to go there”. He explained that if we did we would face the issues that Mr. Williams had stated earlier such as dropping the TVs,

handling the TVs and other things along this line. Mr. Entwistle stated that some places do it but noted that for a location of our size he would not recommend it.

Mr. Cannon stated that Mr. Entwistle has another meeting to get to. Mr. Cannon asked if anyone else has any further questions for Mr. Entwistle?

Mr. Pryor stated that he questions whether or not the State wants these items picked up or not. He stated that it seems like the State is more of a hindrance than anything else. Mr. Allen stated “Bureaucracy. Bureaucracy, bureaucracy.” Mr. Entwistle agreed with Mr. Allen’s sentiment. Mr. Entwistle stated that the Chairman of the DEP had spoken at an ANJR symposium and stated that they wanted to increase the recycling rates. Mr. Entwistle stated that he feels that the DEP needs to make the recycling laws directed this way if they want to raise the rates. Mr. Entwistle stated that they have it in place and that now it is just a matter of somebody “stepping up to the plate” because the DEP now has the power to do it and they just need to figure out how to do it. Mr. Entwistle stated that he gave them the plan and told them what to do and that it is just a matter of them wanting to do it that is the challenge.

Mr. Cannon thanked Mr. Entwistle for coming today and addressing the board. Mr. Cannon stated that he had wanted Mr. Entwistle to meet himself and the rest of the board and noted that he was aware that Mr. Entwistle has met with and worked with Mr. Williams before.

Mr. Entwistle stated that Mr. Williams is a great guy. Mr. Entwistle also stated that Mr. Williams has always been a pleasure to work with and that he has always been very professional. Mr. Williams sincerely thanked Mr. Entwistle for the compliments.

Mr. Cannon stated that we are going to “keep swinging” but that we cannot do anything at this time regarding an electronics recycling program. Mr. Cannon stated that he understands NewTech’s issue with holding an event on a Sunday. Mr. Cannon stated that there would be issues with holding an event on a Saturday for us. Mr. Cannon stated that he is not sure where we are going to go from here and reiterated that he greatly appreciates that Mr. Entwistle was present today.

## MINUTES

Mr. Cannon presented the regular monthly meeting minutes from September 25, 2017.

**Mr. Pryor** made a motion to approve the regular monthly minutes of September 25, 2017 as presented, seconded by **Mr. Allen**.

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

Mr. Cannon presented the executive session minutes from September 25, 2017.

*Mr. Allen* made a motion to approve the executive session minutes of September 25, 2017 as presented, seconded by *Mr. Pryor*.

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

### CORRESPONDENCE

Mr. Cannon stated that he believes that everyone was aware of the correspondence previously. Mr. Cannon noted that the correspondence referred to the Amendment to the Warren County Solid Waste Plan being submitted to the State. Mr. Cannon asked if anyone had any questions? Mr. Cannon asked Mr. Williams if he had anything to add? Mr. Williams answered, no. Mr. Williams stated that now it is in the State's hands. Mr. Williams stated that hopefully the State comes to do their site tour and that the plan amendment and expansion application are approved.

Mr. Cannon asked if we have heard anything from our engineers regarding any issues with the plans. Mr. Williams answered, no.

### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

NONE

### FINANCE (Dan Olshefski)

Mr. Olshefski stated that we are 3 quarters of the way through the year. Mr. Olshefski stated that as planned there is a reduction in the waste flow and that the reduction is 5.2%. Mr. Olshefski stated that even with this and that due to the increase per average ton for both waste and cover that our cash balances have increased. He stated that the unrestricted cash balance has increased by \$1,000,000.00 and that the restricted balance has increased by \$665,000.00. Mr. Olshefski stated that the increase in the cash balances are due to the efficiencies of the budget.

Mr. Olshefski stated that we are having another outstanding year operationally.

Mr. Olshefski stated that regarding the receivables there is \$260,000.00 in the 31-60 days category. Mr. Olshefski stated that \$190,000.00 of the \$260,000.00 is from Gaeta who is our primary hauler. Mr. Olshefski stated that regarding the budget itself that our revenues are at 74% and that our expenses are only at 52%. Mr. Olshefski noted that this is terrific regarding the expenses. He also noted that this accounts for the cash balances.

Mr. Olshefski stated that the credit card sales are at an average of 40%. Mr. Cannon asked if we went from 0% to 40% in credit card sales in 9 months? Mr. Williams stated that he believes that we have been accepting credit cards for about 2 years now. Mr. Williams asked Ms. Jamie Banghart for her opinion? Ms. Banghart stated that it has definitely been at least 2 years. Mr. Williams asked if maybe it has been 2

to 3 years. Mr. Olshefski stated that he believes that it has been about 3 years. Mr. Cannon stated that initially the credit cards were at nothing. Mr. Olshefski agreed.

Mr. Olshefski stated that our leachate costs are still down. He noted that this is one of the reasons why our expenses are only at 52%. He also noted that leachate costs make up 22% of our overall budget.

Mr. Olshefski asked if there were any question?

Mr. Pryor asked if the revenues were on an accrual basis? Mr. Olshefski answered, yes. Mr. Pryor asked if someone owes us money if it is counted as a revenue? Mr. Olshefski answered, yes.

Mr. Cannon asked if the 45 days and 60 days in regards to account customer payments are working? Mr. Olshefski stated that this would be a better question for Ms. Banghart. Mr. Olshefski stated that Gaeta has the most amount of money owed to us. Mr. Olshefski stated that Gaeta does have an ongoing payment process. He asked Ms. Banghart if she would elaborate? Ms. Banghart stated that Gaeta pays their invoices right at 45 days past due. Mr. Cannon asked if before we would see Gaeta at 50 to 55 days past due before they paid? Ms. Banghart stated that this was right and explained that now the 45 days past due letter goes out and that Gaeta pays at 45 days past due each week consistently. Mr. Cannon stated that we cut their credit by 15 days. He asked if they were adhering to this? Ms. Banghart answered, yes.

Mr. Olshefski stated that the introduction of the 2018 budget is on the Agenda today. Mr. Olshefski presented the State document that incorporates what was discussed at the last meeting. Mr. Olshefski asked if there are any questions regarding the budget? He noted that the budget is reduced nearly 8% from 2017 and that it is down to a total of \$6,500,000.00 for 2018 as opposed to \$7,100,000.00 in 2017. Mr. Olshefski noted that the decrease reflects our planned reduction in waste volume that we anticipate for next year.

Mr. Pryor asked if we are on the same schedule as municipalities? Mr. Olshefski stated that our budget is based on a calendar year. Mr. Pryor stated that he believes that municipalities have to have their budget in by March. Mr. Olshefski stated that our budget has to be in by the end of October. Mr. Olshefski stated that we speak with Mr. Dave Balken regarding insurance earlier in the year. Mr. Pryor joked that he looks at this and asks if we are “just that good”. Mr. Olshefski stated that it is a requirement to get our budget in earlier. Mr. Cannon stated that it has always been this way for as long as he can remember. Mr. Olshefski stated that he would prefer for the budget to be submitted a little later because we do not have the new state medical amounts or pension amounts when we put it together. Mr. Olshefski stated that these amounts end up being estimates for our budget. Mr. Cannon stated that we are only looking through July and parts of August when we are coming up with our figures. Mr. Olshefski agreed. Mr. Pryor stated that we are fulfilling our statutory requirements. Mr. Olshefski agreed and noted that sometimes the State does not even have the budget document available when we need it and that we have to ask for it so that the budget can be submitted to the State by the required date.

Mr. Olshefski stated that regarding the recycling grant was that they had always built in for an electronics recycling event. He noted that we had not had an event in the last few years. Mr. Olshefski explained that the most recent grant had an original contract amount of \$143,000.00. Mr. Olshefski explained that \$7,000.00 of this was for the recycling coordinator and that they had done an amendment to the grant for an additional \$8,000.00 to come up with the total amount of \$15,498.00 for the salary of the recycling coordinator. Mr. Olshefski stated that he original budget for the recycling transportation provided by Colgate was only \$16,000.00 and that this amount was increased to \$36,000.00. Mr. Olshefski stated that the total grant was increased by approximately \$29,000.00.

Mr. Olshefski stated that if we recall when we had the tire recycling event that the State made us return grant money because they said that we could not use it for certain things.

Mr. Olshefski stated that the benefit to this grant is that we are allowed to modify it and utilize the full grant. Mr. Cannon stated that we are not going to use the full grant. Mr. Olshefski stated that we may shift the grant money to a different activity. Mr. Olshefski noted that Colgate's costs are quite high and noted that they will monitor this and try to maximize the grant.

Mr. Cannon stated that the rules regarding how the grant money can be used can be interpreted in many different ways. Mr. Williams agreed and stated that there is a lot of "grey area". Mr. Cannon stated that he read it 3 times and came to 3 different conclusions. Mr. Olshefski stated that there are also new percentage guidelines as well. Mr. Cannon stated that he would not be surprised if come next year the rules were more restrictive. Mr. Olshefski agreed. Mr. Cannon stated that he feels that the timeline is off balance as well. Mr. Olshefski stated that the grant usually runs from May to May.

Mr. Cannon asked if there were any further questions regarding the finances?

Mr. Cannon asked if we have anyone that owes us money that we have had to chase down? Ms. Banghart answered, no.

Mr. Olshefski stated that we have the audit report for our closure accounts which have to be submitted to the State by the end of the month. Mr. Olshefski stated that the funds have slowly and methodically been increasing. Mr. Olshefski stated that as of October 1, 2011 we had \$22,663,000.00 and that the current balance is \$30,617,000.00. He noted that we have an average of a little more than a 1% increase per year. Mr. Olshefski noted that this is quite good. Mr. Olshefski stated that going forward the estimated increase is closer to 1.3% and noted that looking forward to the next 2 or 3 years the increase will be at 2%. Mr. Cannon asked if the encumbered number amount is \$22,000,000.00. Mr. Olshefski asked Mr. Cannon what he means by encumbered? Mr. Cannon explained that he is referring to the fund for the closure. Mr. Olshefski stated that we currently have \$30,000,000.00 in the fund for the closure. Mr. Cannon asked if that amount is all for closure? Mr. Olshefski answered, yes.

Mr. Olshefski stated that regarding the transition of the financials from the County to the PCFA that they had received some information from Mr. Williams regarding R&L Payroll and that they had completed it. Mr. Olshefski stated that they are in the process of going through and transitioning of the payroll services which will be taken over by R&L Payroll as of January 1, 2018.

Mr. Olshefski stated that Ms. Crystal Gild has been over working with Mrs. Helen Corbett and that she is continuing to do so as her schedule permits. Mr. Olshefski stated that he feels that Ms. Gild's training is going quite well. Mr. Olshefski stated that we are going to start increasing the work that Ms. Gild is doing and see how it is going. He noted that Ms. Gild is becoming familiar with Pentamation and how it works. Mr. Cannon stated that we thank Mr. Olshefski and his staff for their assistance during this transition. Mr. Cannon also stated that he wants to thank Mr. Olshefski and his staff in advance for the help that they will provide us with in the future when we have an issue come up. Mr. Olshefski stated that he and his staff will be there to help with any issues.

Mr. Cannon presented Resolution R-10-04-17 To Pay the Bills of October 23, 2017 in the amount of \$394,284.25.

On a motion by **Mr. Pryor**, seconded by **Mr. Allen**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*.

**R E S O L U T I O N**  
**R-10-04-17**  
**To Pay Bills – October 23, 2017**

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. Allen	-	Yes
	Mr. Pasquini	-	Absent
	Mr. Pryor	-	Yes
	Mr. Mach	-	Yes
	Mr. Cannon	-	Yes

We hereby certify Resolution to Pay Bills in the amount of \$394,284.25 to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *23<sup>rd</sup> day of October, 2017*.

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Crystal Gild  
Recording Secretary

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James Williams  
Director of Operations

Approved: 10/23/17

Mr. Cannon called for a motion to approve Resolution R-10-05-17 the 2018 Authority Budget Resolution of the Pollution Control Financing Authority for the Fiscal Year Beginning on January 1, 2018 and ending on December 31, 2018.

On a motion by **Mr. Allen**, seconded by **Mr. Mach**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*.

# 2018 AUTHORITY BUDGET RESOLUTION

## Pollution Control Financing Authority of Warren County

### R-10-05-17

**FISCAL YEAR: FROM:** January 1, 2018 **TO:** December 31, 2018

WHEREAS, the Annual Budget and Capital Budget for the **Pollution Control Financing Authority of Warren County** for the fiscal year beginning, **January 1, 2018** and ending, **December 31, 2018** has been presented before the governing body of the **Pollution Control Financing Authority of Warren County** at its open public meeting of **October 23, 2017**; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ **6,536,200** , Total Appropriations, including any Accumulated Deficit if any, of \$ **6,636,200** and Total Unrestricted Net Position utilized of \$ **100,000**; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$**965,000** and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$**965,000**; 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 23, 2017** 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, 2018** and ending, **December 31, 2018** 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 **December 18, 2017**.

October 23, 2017

\_\_\_\_\_  
Joseph Pryor, Board Secretary

Member:	Governing Body		Recorded Vote	
	Aye	Nay	Abstain	Absent
Mr. Allen	(Aye)	Nay	Abstain	Absent
Mr. Cannon	(Aye)	Nay	Abstain	Absent
Mr. Mach	(Aye)	Nay	Abstain	Absent
Mr. Pasquini	Aye	Nay	Abstain	(Absent)
Mr. Pryor	(Aye)	Nay	Abstain	Absent

Mr. Williams stated that it is time to seek Proposals for Auditing Services for 2018. Mr. Williams stated that he had reviewed the Request for Proposals for Auditing Services with Mr. Chris Pessolano, the Warren County Purchasing Agent and that it was simply just a matter of needing to change the dates in the document. Mr. Williams stated that it was an easy process to get this ready and noted that the document is ready to go.

Mr. Cannon asked if there is a Resolution for this? Mr. Williams answered, no and stated that he just needs authorization from the board to go out to bid.

Mr. Williams stated that he needs authorization from the board to request proposals for auditing services.

Mr. Cannon called for a motion to Authorize Mr. Williams to seek Proposals for 2018 Auditing Services.

On a motion made by **Mr. Pryor**, seconded by **Mr. Allen**, the board Authorized Mr. Williams to seek Proposals for 2018 Auditing Services.

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

#### PERSONNEL

NONE

#### PRESENTATIONS

Mr. Cannon stated that Mr. David Balken of Balken Risk Management and Mr. John Daly of Balken Risk Management are in attendance today to present our 2018 Insurance information to us.

Mr. Williams stated that one of the handouts distributed today is a breakdown of our different insurances that Mr. Balken and Mr. Daly are going to review with us.

Mr. Balken introduced himself to the board.

Mr. Balken stated that on the third page of the handout it show the premiums for the insurances. He noted that this is a comparison of the expiring 2017 premiums and the premiums for the 2018 renewal of insurances. Mr. Balken stated that last year we had a flat renewal and that the previous year he believes that there was a reduction in the premiums at the time of renewal. Mr. Daly agreed with this assessment. Mr. Balken stated that the premium amounts have remained about the same over the last 3 years He noted that this is a good thing considering the market.

Mr. Cannon asked if we have had any claims? Mr. Balken answered, no.

Mr. Balken stated that he always anticipates a 0-5% increase for budgeting purposes but that he likes to see a 0% increase or even a decrease in premiums.

Mr. Balken stated that it is difficult to come up with an accurate budget amount because there are still 3 months to go in the year and that there is always the possibility that something could happen.

Mr. Balken stated that the pollution liability has a limit of \$14,000,000.00, the auto liability has a limit of \$11,000,000.00 and the general liability has a limit of \$11,000,000.00. Mr. Balken stated that our D&O coverage is \$5,000,000.00. Mr. Daly stated that the D&O coverage was previously at \$3,000,000.00 but that we had bumped it up about 3 years ago. Mr. Cannon stated that he believes that Mr. Mach had asked for this. Mr. Balken stated that he was correct.

Mr. Daly asked if 40% of our total revenue is based on credit card sales? Mr. Williams answered, no. Mr. Olshefski elaborated and stated that it is just a minor portion of our revenue and not our total revenue. Mr. Daly asked how much money comes in from credit cards? Mr. Williams answered that about \$300,000.00 to \$400,000.00 come in annually from credit card sales out of the \$7,000,000 budgeted revenue. Ms. Banghart agreed. Mr. Cannon stated that it is about 5% or less of our total revenue.

Mr. Balken stated that they are going to get a Cyber Liability quote for us. He noted that this would protect us if we were to get hacked and if a customer's information became compromised.

Mr. Daly asked if we keep our vendors' credit card information on file in our systems? Mr. Williams answered, no. Mr. Daly asked that if our system was to get hacked what information could the hackers get? Mr. Williams answered, nothing. Mr. Williams reiterated that we do not keep anyone's credit card information. Mr. Daly asked if we use an outside vendor for processing credit cards? Mr. Williams stated that we do use an outside vendor. Mr. Williams stated that to his knowledge at the end of the day the information is wiped out of the system. Mr. Williams stated that Ms. Banghart could correct him if he was wrong. Mr. Williams stated that the credit card data is there until the end of the day but then once the batch is closed that the information is gone. Mr. Cannon agreed that once the batch is cleared at the end of the day that the credit card data is gone.

Mr. Daly asked that if a hacker were to hack our system and shut it down how bad would it affect us as a business? Mr. Williams stated that they could get into our WasteWorks system through our server. Mr. Williams stated that our server is backed up in 3 independent off-site locations. Mr. Williams stated that we would be able to retrieve our information quickly if something were to happen. Mr. Cannon stated that we could run the scale manually. Mr. Williams agreed. Mr. Williams stated that there are times where we lose our internet access and the scale needs to be run manually.

Mr. Daly stated that Cyber Liability is currently a big topic in the insurance industry because "cyber liability is exploding". Mr. Balken stated that if we were to get hacked and we did have compromised credit cards that it get quite expensive to handle this because you need to monitor all of the hacked cards for a year. Mr. Cannon stated that the money we are paying our vendor is well worth it then. Mr. Balken stated that he is going to look into whether or not we would be liable in the case of a hack even though we have an outside vendor processing our credit cards. Mr. Cannon stated that he believes that this was part of the deal when we went with the outside vendor. Mr. Williams stated that our outside vendor is an affiliate of the bank that we use. Mr. Cannon reiterated that he is fairly certain that the reason we went the route that we did is so that we would not have any liability. Mr. Balken stated that he is going to check into it. Mr. Daly asked if the vendor provides us with a Certificate of Insurance? Mr. Williams stated that when we first signed with the vendor that they did and that he assumes that we still have it filed upstairs. Mr. Balken asked for us to provide him with the Certificate of Insurance from the vendor so that he can review it. Mr. Daly stated that we should have them name us as an additionally insured entity just to cover ourselves. Mr. Daly stated that the cost to bring things back up to speed if something

were to happen is huge. Mr. Daly stated that they Cyber Liability Insurance protects us when the system needs to be recreated. Mr. Williams instructed Ms. Banghart to check for the vendor's Certificate of Insurance.

Mr. Pryor asked if each year Balken Risk Management goes out and gets proposals from all of the different insurance carriers? Mr. Daly answered, yes. Mr. Pryor asked if their recommendation is based not only on price but on coverages as well? Mr. Daly answered, yes. Mr. Daly explained that our major insurance policies are our property insurance and our general liability insurance. Mr. Daly explained that our general liability insurance is a combination pollution policy and noted that Mr. Balken had touched on this subject. Mr. Daly further explained that we have \$5,000,000.00 in pollution coverage on the basic policy and \$1,000,000.00 in pollution coverage in the liability policy. Mr. Daly stated that we also have an excess policy above and beyond this. Mr. Daly stated that the last time he was here and spoke to us regarding this that it was noted that this is a third-party pollution policy. Mr. Daly explained that this means that we are covered for off-site pollution. He stated that we could look into getting a first-party pollution coverage but noted that it would probably cost the same amount of money. Mr. Cannon asked if we would be "doubling up" the policy by doing this? Mr. Daly answered, yes. Mr. Daly explained that typically if we were to have a claim the DEP is going to come in and investigate if there is a pollution spill and they are going to make us clean it up. Mr. Daly also explained that a cleanup off property is initiated by the DEP that it most likely will trigger a cleanup on our property as well. Mr. Williams asked if the cost of the cleanup on our property would be covered with the third-party pollution policy that we currently have? Mr. Daly explained that it depends and noted that he spoke to the underwriter from AIG several years ago and that he would not give them a definitive answer. Mr. Daly stated that a lot of times a cleanup triggered by a third-party such as the DEP would result in our property being cleaned up along with the off-site cleanup. Mr. Daly stipulated that he does not want to get into a lawsuit over this though. Mr. Cannon stated that he understands.

Mr. Cannon stated that we are looking into doing some building inspections. Mr. Cannon asked if Balken Risk Management performed any type of inspections? Mr. Balken answered no and stated that the individual insurance carriers will come and do inspections. Mr. Daly asked if Mr. Cannon was referring to loss control inspections? Mr. Cannon answered, yes. Mr. Cannon stated that we would like to have our buildings inspected. Mr. Cannon explained that we are looking to do an assessment on the structure of our buildings. Mr. Allen stated that this would fall more under the realm of engineering. Mr. Cannon stated that he understands that but he thought that maybe we could "tie it in" since we are looking into our coverages.

Mr. Cannon explained that the quarry is looking to expand and that we are concerned about the possibility of their blasting causing damage to our property. Mr. Cannon stated that the expanded portion of the quarry will be closer to our location.

Mr. Cannon stated that the board has been discussing finding out the status of our structures now in case something were to happen to our property down the road. Mr. Cannon stated that he understands that the quarry has insurance but that we still want to know the structural status of our property. Mr. Cannon stated as an example that if we found a crack in our parking lot and went to the quarry about it that they could say that it was pre-existing. He continued his example by stating that if we had proof of our structural status before the expansion is done that we would be able to prove that it was in fact not pre-existing.

Mr. Daly asked who was going to be blasting? Mr. Cannon stated that the quarry would be blasting. Mr. Allen noted that it is a quarry operation.

Mr. Daly stated that he insures a school district that is next to a quarry. He explained that they have the same problem that we are discussing. Mr. Daly stated that because the quarry blasts under the threshold that any damage is hard to fight. Mr. Daly explained that the school has lights popping out because of the blasting and that they fight with the quarry all of the time but noted that he will “leave it at that”. Mr. Daly explained that it is very hard to fight the quarry and that they are constantly fighting them. Mr. Daly stated that the reason that it is hard to fight the quarry is because the quarry can go back into their system and prove that they did not blast over the threshold.

Mr. Cannon stated that this is what he is anticipating.

Mr. Allen asked how the quarries know if they are blasting over or under the threshold? He asked if they have equipment that gauges the seismic activity? Everyone answered, yes. Mr. Cannon stated that we have monitors for seismic activity on our site and Mr. Cannon stated that we have 2.

Mr. Cannon reiterated that the PCFA is looking to have someone come in and do an assessment of our property. He asked Mr. Daly and Mr. Balken if they had any thoughts or suggestions?

Mr. Balken asked if the blasting could affect the landfill itself? Mr. Cannon stated that he is not sure.

Mr. Pryor stated that he recognizes that Mr. Daly and Mr. Balken are not safety engineers.

Mr. Pryor asked what additional services a Risk Manager performs “over and above” the services of a Broker of Record?

Mr. Daly explained that their major role is to get us the lowest premiums for the best coverages. He also explained that throughout the year they deal with any Certificates of Insurance that we need. He also explained that if Mr. Williams has any contracts that they need to review for insurance language that they do this as well. Mr. Daly stated that they go through our claims history quarterly and that they will come discuss it with Mr. Williams. He also stated that they add and remove automobiles and equipment to the policy as needed.

Mr. Pryor asked if as a Risk Manager they look at our operation and provide us suggestions as to how we could decrease our risk? Mr. Daly stated that they could. Mr. Pryor stated that maybe we would need a safety consultant or a safety engineer. Mr. Daly stated that they could help us with that. Mr. Daly stated that they could go to the carriers for us and see if they could get loss control engineers to come out to our site for an evaluation on their dime. Mr. Pryor asked if this would be included as part of the policy as opposed to us going out and finding someone else? Mr. Daly answered yes and stated that they will look into this for us if we want. Mr. Cannon stated that this could both save us money and cost us money depending. Mr. Daly agreed and stated that it is a “double-edged sword”. Mr. Pryor stated that we want to run a safe operation. Mr. Cannon agreed. Mr. Daly stated that it is good to have the carriers come out once in a while to the site. Mr. Daly stated that it would be fine to tell the carriers about the quarry expansion.

Mr. Balken stated that Travelers was at our site 3 years ago for an inspection and noted that he was here with them. Mr. Daly stated that we could have them come again and noted that it is up to us. Mr. Pryor stated that the board will discuss this and get back to them.

Mr. Cannon asked if Mr. Balken and Mr. Daly had any other recommendations? He asked if they thought that we were either under-insured or over-insured in any way? Mr. Balken and Mr. Daly both answered no. Mr. Balken explained that they had reduced our property values because when Mr. Williams was reviewing the statement of values they found some things that needed to be reduced. Mr.

Balken explained that they had the old value for the scrubber which they reduced. Mr. Williams explained that this is referring to the old scrubber which has been “mothballed” for a while. Mr. Williams stated that several years ago we were over-insured for the treatment plant and that they had reduced the coverage for the treatment plant. Mr. Williams stated that recently he believes that we have been “in check” with everything. Mr. Balken agreed.

Mr. Cannon asked if the new machines are covered? Mr. Williams answered that all of our vehicles and machines are covered.

Mr. Cannon asked what we do as far as insurance for the expansion? Mr. Williams stated that this is a question for Mr. Daly and Mr. Balken. Mr. Balken explained that our insurance is based on acreage. Mr. Balken asked how many acres we currently have? Mr. Williams stated that our current acreage is 45 acres and noted that we will be adding another 34.5 acres over time. Mr. Williams stated that the acreage will be increasing in increments of 5 to 6 acres at a time. Mr. Williams noted that there will also be some infrastructure changes that we will have to insure but that this would be “down the road” a couple of years. He noted that he hopes that this may start next year.

Mr. Cannon asked if anyone has any further questions for Mr. Balken and Mr. Daly? Everyone answered, no.

Mr. Cannon asked if Counsel had any questions regarding the insurance. Mr. Tipton answered, no. Mr. Cannon asked if we will need to use any insurance information for our discussions regarding the contracts. Mr. Tipton answered, no and explained that our typical breach of contracts or bid disputes would most likely not be covered by insurance.

Mr. Balken stated that we should be supplying them with all of our Certificates of Insurance that we receive. Mr. Cannon stated that he believes that we started doing this a couple of years ago with the Certificates of Insurance from our contract haulers. Mr. Balken agreed. Mr. Tipton stated that we are now running annual credit checks on all of our haulers.

Mr. Cannon asked Mr. Balken and Mr. Daly if they had any further recommendations for us? They both answered, no.

Mr. Cannon asked once more if anyone has any further questions? There was no response.

Mr. Cannon thanked Mr. Balken and Mr. Daly for joining us today.

Mr. Cannon called for a motion to approve Resolution R-10-06-17 To Appoint the Exclusive Broker of Record to Balken Risk Management Services, LLC.

On a motion by **Mr. Allen**, seconded by **Mr. Mach**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*.

**RESOLUTION**

**R-10-06-17**

**TO APPOINT THE EXCLUSIVE BROKER OF RECORD TO  
Balken Risk Management Services, LLC**

**WHEREAS**, the Pollution Control Financing Authority has been informed that their insurance account has been sold; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5, et. seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, the appointment of Exclusive Broker of Record to Balken Risk Management Services, LLC, will require no compensation from the Pollution Control Financing Authority; and

**NOW, THEREFORE, BE IT RESOLVED** by the Pollution Control Financing Authority of the County of Warren in the State of New Jersey as follows:

1. Balken Risk Management Services, LLC shall be appointed Exclusive Broker of Record, their successors and/or assigns with a 30 day termination provision, and that;
2. An agreement between the Pollution Control Financing Authority of the County of Warren, Oxford, New Jersey and Balken Risk Management Services, LLC, located at 143 Washington Street, Morristown, New Jersey, for Broker of Record services with the Pollution Control Financing Authority be made part of this resolution by reference and approved and entered into by the Pollution Control Financing Authority Board of the County of Warren subject to approval of Counsel;
3. The Chairperson and Director of Operations are hereby authorized to execute said Professional Services Agreement by signing same;
4. A notice of this action shall be published within a local newspaper, as required by law, within ten (10) days of its adoption.

**ROLL CALL:**

Mr. Allen	-	Yes
Mr. Pasquini	-	Absent
Mr. Pryor	-	Yes
Mr. Mach	-	Yes
Mr. Cannon	-	Yes

**I HEREBY CERTIFY** the above to be a true copy of a motion adopted by the Pollution Control Financing Authority of the County of Warren on the date above mentioned.

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Crystal Gild  
Recording Secretary

Approved: *October 23, 2017*

Mr. Cannon asked if there were any questions regarding the Resolution for Broker of Record?

Mr. Pryor asked how long Balken Risk Management has been serving us? Mr. Williams answered that we have been working with them for approximately 3 years. Mr. Cannon and Mr. Williams stated that Mr. Daly previously worked with a different agency. Mr. Smith stated that Mr. Daly use to work for Wells Fargo.

Mr. Williams stated that regarding Agenda Item A-6 (PRMUA Raw Leachate Pilot Program Presentation by Steve Donati of CP Engineers) that he had emailed the board to notify them that we had not received any further updated information regarding the pilot program from Mr. Donati. Mr. Williams stated that he did receive an email late last week which stated that they are working on the information and that they should have something ready to present to us for our November meeting.

Mr. Cannon stated that we will discuss the PRMUA pilot program in November.

### FACILITIES/RECYCLING

Mr. Williams presented Agenda Items A-7 (Authorization to seek Proposals for 2018 General Legal Counsel Services), A-8 (Authorization to seek bids for the 2018/2019 Grass Mowing and Ground Maintenance) and A-9 (Authorization to seek bids for the 2018 Aerial Topographic Survey of the Landfill) to the board for their approval.

Mr. Williams stated that these 3 items could be approved as a group.

Mr. Williams stated that Professional Services can only be approved for a 1 year term. Mr. Williams stated that the proposal for the grass mowing is for 2 years as we have done in the past. Mr. Williams also stated that the Topographic Survey is a 1 year bid. Mr. Williams stated that the Topographic Survey will be completed any time after January 1, 2018.

Mr. Cannon stated that he has a question regarding the grass mowing. Mr. Cannon asked who oversees the grass mowing and ground maintenance? Mr. Cannon asked if Mr. Williams is overseeing it? Mr. Cannon asked if they have a regular schedule? He asked how the program works? Mr. Williams answered that the tasks are complete on a regular schedule. Mr. Williams stated that we have had no issues with our current vendor. Mr. Williams explained that if an issue were to come up he has our vendor's cell phone number and email address to get in contact with them.

Mr. Cannon stated that her recalls having 3 or 4 bids come in for this last time we went out for bid. Mr. Williams stated that he believes that there were 3 bidders last time. Mr. Williams stated that these bids will all be going out for public bidding.

Mr. Cannon stated that he was wondering if there was something that we needed to add or change for the grass mowing bid. Mr. Williams explained that last time we went out to bid for this that we had increased the capped mowing portion to be completed one additional time. Mr. Williams noted that this helps to maintain the grass on the capped portion of the landfill. He also noted that this is good for maintenance and that we do not get any large trees or anything growing into the cap.

Mr. Allen asked how much time is involved in completing the grass mowing and grounds maintenance? Mr. Allen asked how frequently they come? Mr. Williams stated that the work is performed every 2 weeks and also stated that it takes about 1 to 2 days to complete the work.

Mr. Williams stated that in the spring and fall they do leaf cleanup as well. Mr. Williams noted that they were just here this past Saturday working on leaf cleanup and performing the final mowing for the year. Mr. Williams noted that the grounds maintenance crew does the mulching around the buildings, trim the shrubs as needed and pull weeds. Mr. Williams also noted that they do a lot of work on the cap itself and the drainage swales that our built into the caps.

Mr. Allen asked if the vendor performs the “weed and feed” as well? Mr. Williams answered, yes. Mr. Allen asked if they “farm this out”? Mr. Williams answered that they do it themselves. Mr. Williams noted that we do not need a lot of that here. Mr. Allen asked if they are licensed to do it? Mr. Williams answered, yes. Mr. Williams stated that we have not had to have this done in several years. Mr. Williams noted that mostly they use Roundup for weed control in the drainage swales.

Mr. Cannon asks who maintains the solar panels? Mr. Williams stated that DCO does their own grounds maintenance for the solar panels.

Mr. Cannon asked if anyone else had any questions regarding the grass mowing and ground maintenance?

Mr. Cannon called for a motion Authorizing Mr. Williams to seek bids for the 2018/2019 Grass Mowing and Ground Maintenance.

On a motion made by **Mr. Pryor**, seconded by **Mr. Allen**, the board Authorizes Mr. Williams to seek bids for the 2018/2019 Grass Mowing and Ground Maintenance.

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

Mr. Cannon asked if the Proposal for Legal Services was without any changes? Mr. Williams confirmed that it is. Mr. Cannon asked if this is for a term of 1 year? Mr. Williams answered, yes.

Mr. Cannon called for a motion Authorizing Mr. Williams to seek Proposals for 2018 General Legal Counsel Services.

On a motion made by **Mr. Pryor**, seconded by **Mr. Allen**, the board Authorizes Mr. Williams to seek Proposals for 2018 General Legal Counsel.

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

Mr. Cannon asked if we received 2 bids last year for the Topographic Survey? Mr. Williams answered, yes. Mr. Williams noted that there may have been 3 bids because he believes that 1 bid came in late.

Mr. Cannon asked if anyone has any questions regarding the Topographic Survey? He noted that it is exactly the same as last year and most likely previous years as well. Mr. Williams noted that we just change the dates. Mr. Williams also noted that there may have been some minor verbiage changes made by Counsel. Mr. Cannon stated that he believes that the changes to the language were to create unity with other documents. Mr. Tipton agreed.

Mr. Cannon asked if there were any questions? There was no response.

Mr. Cannon called for a motion Authorizing Mr. Williams to seek bids for the 2018 Aerial Topographic Survey of the Landfill.

On a motion made by **Mr. Allen**, seconded by **Mr. Pryor**, the board Authorizes Mr. Williams to seek bids for the 2018 Aerial Topographic Survey of the Landfill.

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

Mr. Williams stated that there are no issues with Treatment Plant Operations. Mr. Williams stated that we are running on a reduced flow to PRMUA and that the majority of our leachate is being transported via tanker truck to Passaic Valley. Mr. Williams noted that we are still sending limited amounts of leachate through the treatment plant and then over to PRMUA. Mr. Williams stated that there have not been any issues.

Mr. Williams stated that everything is going well regarding Landfill Operations. Mr. Williams stated that the waste quantities are normal except for the waste coming in from Gaeta. Mr. Cannon stated that during Executive Session we will be discussing our air space issues and discuss some ideas as to how much waste we can incorporate into the contracts for next year.

Mr. Williams stated that there is nothing further to report regarding the Landfill Expansion Application. Mr. Williams noted that the County did complete the Solid Waste Plan Amendment which is one item that the DEP was waiting for. Mr. Williams noted that this did not delay the review of our application. Mr. Cannon asked where we stand on the DEP coming for a site visit? Mr. Williams stated that there is nothing scheduled yet. Mr. Williams stated that hopefully this will occur shortly because he feels that we are hopefully getting close to the review of the application being completed. Mr. Williams stated that we will be able to move forward once the review is complete.

Mr. Williams stated that he knows that he has said this before but he feels that it is important that the board starts discussing moving forward over the winter months with the design and bid documents for the expansion project. Mr. Williams also stated that depending on how quickly the review is completed that we could possibly begin working on this sometime next year. Mr. Cannon stated that we should start

working on this as soon as the review is completed. He noted that he feels that the board is prepared to move forward once we receive approval from the DEP.

Mr. Cannon stated that he would like to see the site visit happen before winter. Mr. Williams agreed.

Mr. Williams stated that there is no change to Agenda Item A-10 (2017 Waste Disposal Fee Schedule).

Mr. Williams stated that Agenda Item A-11 (Discussion, 2018 Solid Waste Disposal Rates) will be discussed during Executive Session. Mr. Williams stated that the 2018 Waste Disposal Contracts will also be discussed during Executive Session.

Mr. Williams presented Resolution R-10-08-17 Resolution To Reject Bid for the Electronic Recycling Program to the board.

Mr. Williams stated that if the board wanted to move forward with rejecting the sole bid for the electronic recycling program that we had received based on our discussion earlier today that they would need to approve Resolution R-10-08-17.

Mr. Cannon asked Mr. Williams to review the discussions he had with Mr. Dech regarding the grant money and how it can be used? Mr. Williams stated that it seems like a “grey area” as far as what the grant money can and cannot be used for. Mr. Williams noted that everyone has seen the emails. Mr. Williams stated that he does not want to get into another situation like what happened with the tire recycling issue where we ended up having to give money back because we used fund that we should not have used for certain things. Mr. Williams stated that he feels that until we have an official answer from the State and anyone else that we should not move forward. Mr. Williams noted that he is aware that Mr. Smith has been having discussions with Abilities to see if we can work on something in the near future with them. Mr. Williams stated that due to the uncertainties that he feels it would be in our best interest to reject the bid and use the next few months to rework our bid document and go out for bid again. Mr. Williams also stated that we could reach out to other agencies within the County to see if they can assist us with our program.

Mr. Williams informed the board that he had reached out to the Purchasing Agent from Hunterdon County on Saturday and asked for a copy of their bid document that they use. Mr. Williams stated that he had received this document earlier this morning. He noted that in his cursory review of the document that he feels that it seems similar to the bid document we have used in the past. Mr. Cannon asked what the exceptions are? Mr. Williams stated that he did receive some pricing from Hunterdon County regarding the bid that they received and that there was no fee for the covered electronics. Mr. Williams noted that there was a fee for covered electronics in the bid that we received. Mr. Williams stated that there was no event fee in the bid that Hunterdon County received and that there was an event fee in the bid that we received. Mr. Williams stated that the only fee that was charged in the bid that Hunterdon County received was a fee for non-covered electronics.

Mr. Smith stated that he and Mr. Dech had been working all day Friday to come up with information to present to the board today and that they had come to the conclusion that they would not have the information ready to present today. Mr. Smith noted that he had passed this information along to Mr. Williams.

Mr. Smith stated that he and Mr. Dech are looking into the County pressing the DEP to explain why there is no quota left for us. Mr. Smith stated that they have been trying for the last several months to get someone to address this issue. Mr. Smith stated that the discussions that Mr. Dech has been having with the DEP have been “ambiguous at best”. Mr. Smith stated that this is a problem and that he will be

discussing this at his board meeting in terms as to what his board needs to do about this. Mr. Smith stated that SWAC also needs to be apprised of this. Mr. Smith stated that SWAC had assumed that we were moving in a positive direction. Mr. Smith noted that the DEP does not attend the SWAC meeting. He also noted that the DEP is supposed to provide a report to the SWAC. Mr. Smith noted that he does not believe that the DEP has attended a SWAC meeting in the last 1 to 2 years. Mr. Smith stated that there is a clear disconnect with the DEP. Mr. Smith stated that a lot of our recent dealing with the DEP have been ambiguous such as the DEP scheduling a site visit here regarding the expansion application.

Mr. Smith stated that he is very frustrated to say the least. Mr. Smith reiterated that the issue is not that there has not been concerted effort by the PCFA board and Mr. Dech and his department to try to address these issues. Mr. Smith stated that he feels that we could potentially walk away looking “pretty bad” if we make the kind of expenditure that we are discussing if it is something that should be covered. Mr. Smith noted that he feels that there would be issues forensically if we were to proceed. Mr. Smith stated that we have definite “good standing” to press the State and ask them why there are no provisions for us. Mr. Smith stated that it is supposed to be a statewide law and that we are supposed to be in compliance with the law and that there is no reason why we should have no outlet. Mr. Smith reiterated that he will reach out to his board members and noted that they have a meeting on Wednesday night. Mr. Smith stated that perhaps at this meeting they will pass a Resolution regarding this issue. Mr. Smith stated that he will let Mr. Williams know what happens. Mr. Smith also noted that there is a SWAC meeting coming up soon.

Mr. Cannon asked Mr. Williams if he had anything else to add? Mr. Williams answered, no. Mr. Williams stated that the board just needs to pass Resolution R-10-08-17 so that we can officially reject the bid from NewTech.

Mr. Cannon asked if anyone else has any further questions?

Mr. Cannon stated that unfortunately we cannot go forward with an electronics recycling event at this time. Mr. Cannon reiterated that the document from the DEP regarding the use of the grant money is worded in a way that can lead to several different interpretations.

Mr. Cannon called for a motion to approve Resolution R-10-08-17 To Reject All Bids For Furnishing Contractor Services For Electronic Recycling Program At The Warren County Landfill.

Mr. Allen asked if it needs to be stated as to why we are rejecting the bid such as budgetary requirements? Mr. Cannon and Mr. Williams both stated that the reason for rejecting the bid is stated in the Resolution.

On a motion by *Mr. Allen* , seconded by *Mr. Pryor* , the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*.

## **RESOLUTION**

**R-10-08-17**

### **TO REJECT ALL BIDS FOR**

### **FURNISHING CONTRACTOR SERVICES FOR ELECTRONIC RECYCLING PROGRAM AT THE WARREN COUNTY LANDFILL**

WHEREAS, the Pollution Control Financing Authority of Warren County (Authority) has a need to hold an electronics recycling event at the Warren County District Landfill; and

WHEREAS, the Authority advertised a Request For Bids, Furnishing Contractor Services for Electronic Recycling Program at the Warren County District Landfill; and

WHEREAS, the Authority received one (1) bid on October 6, 2017: Newtech Recycling Inc. for the not-to-exceed amount of \$200,000; and

WHEREAS, the Authority's cost estimate for the project was less than \$55,000; and

NOW THEREFORE, be it resolved by the Authority that on October 23, 2017 the Authority rejected the bid because the bid substantially exceeded the cost estimate for the project, and alternatively, the Authority has decided that it wants to substantially revise the specifications for the project.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Absent
	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.

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Crystal Gild  
Recording Secretary

Date: October 23, 2017

Mr. Williams stated that the next item on the Agenda is A-12 (2018 Holiday Schedule).

Mr. Williams stated that the reason he has this before the board now is because we will be going into Executive Session to discuss contracts that will need to go out in the near future and the contracts include the 2018 Holiday Schedule.

Mr. Williams stated that the 2018 Holiday Schedule reflects the 2017 Holiday Schedule and noted that the dates have just changed depending on where they fall on the calendar. Mr. Williams noted that these are the same days that we have always used in the past.

Mr. Williams presented Resolution R-10-09-17 Resolution to Adopt the 2018 Holiday Schedule to the board for their approval.

Mr. Cannon asked if there were any questions or comments?

Mr. Pryor stated that if he were “starting from scratch” that he would probably have a lot of questions and comments. Mr. Pryor stated that this schedule is tradition here and that we have had it along time. He noted that the Holiday Schedule is consistent to what it has been previously.

Mr. Cannon asked if there were any other questions or comments?

Mr. Cannon asked if there have been any “tweaks” that Mr. Williams has found to be an issue over the years? Mr. Williams stated that there are no issues and that we have never had any complaints from haulers regarding being closed for Holidays.

Mr. Cannon asked if there are any other questions?

Mr. Cannon called for a motion to approve Resolution R-10-09-17 Resolution to Adopt the Pollution Control Financing Authority of Warren County 2018 Holiday Schedule

On a motion by *Mr. Mach*, seconded by *Mr. Allen*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*

## RESOLUTION

**R-10-09-17**

### **ADOPT THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY 2018 HOLIDAY SCHEDULE**

WHEREAS, this Holiday Schedule is prepared pursuant to the direction of the Pollution Control Financing Authority of Warren County (PCFAWC) (the “Authority”);

WHEREAS, the attached Holiday Schedule (A-12) is to inform the public and interested parties as to days when the Warren County Landfill and Convenience Center will be closed;

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 23, 2017, the 2018 Holiday Schedule is hereby adopted.

#### ROLL CALL:

Mr. Allen	-	Yes
Mr. Pasquini	-	Absent
Mr. Pryor	-	Yes
Mr. Mach	-	Yes
Mr. Cannon	-	Yes

Dated: *October 23, 2017*

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.

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Crystal Gild  
Recording Secretary

Approved: 10/23/2017

Mr. Williams stated that we received 3 bids regarding the sidewalk/curbing replacement around the Administration Building. Mr. Williams that all 3 bids were sent to Counsel for their review. Mr. Williams stated that the results from Counsel's review were included in today's handouts. Mr. Williams stated that he had sent the board an email regarding the pricing differences of the 3 bids. Mr. Williams stated that Counsel has completed their review and that they provided a recommendation to award a contract to Diamond Construction in the amount of \$28,400.00 for the sidewalk/curbing replacement around the Administration Building.

Mr. Allen stated that it looks like someone from Diamond Construction may have an "inside" to ISG. Mr. Williams noted that the difference in the bids from these 2 companies was only \$60.00. Mr. Williams noted that a representative from ISG was present for the bid opening and that he could not believe that he had lost the bid by only \$60.00.

Mr. Pryor stated that the prices came in at a "pretty tight grouping" so he feels that we received a fair price.

Mr. Cannon asked if we included re-stripping the parking lot in this bid? Mr. Williams answered, no. Mr. Williams stated that the re-stripping of the parking lot will take place next year when we have the paving redone. Mr. Williams stated that the paving project is in the Capital Budget for 2018.

Mr. Cannon asked if there are any further questions?

Mr. Cannon asked Mr. Tipton if he had any comments? Mr. Tipton answered, no.

Mr. Mach asked when the work would commence? Mr. Williams stated that the work will begin as soon as we send over the signed contract.

Mr. Cannon asked if there are any further questions?

Mr. Cannon noted that this bid incorporated all of the current ADA requirements. Mr. Williams agreed. Mr. Cannon stated that Mott MacDonald provided the specifications for the bid.

Mr. Cannon asked if there are any other questions?

Mr. Cannon called for a motion to approve Resolution R-10-10-17 Awarding Contract For Removal and Replacement of Sidewalks/Curbing at the Administration Building.

On a motion by *Mr. Pryor*, seconded by Mr. *Mach*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *October 23, 2017*.

**RESOLUTION**  
**R-10-10-17**  
**AWARDING CONTRACT**  
**FOR**

**Removal and Replacement of Sidewalks/Curbing at the Administration Building**

WHEREAS, the Pollution Control Financing Authority of Warren County (Authority) has a need for the Removal and Replacement of Sidewalks/Curbing at the Administration Building; and

WHEREAS, the Pollution Control Financing Authority of Warren County (Authority) advertised a Request For Bids, Removal and Replacement of Sidewalks/Curbing at the Administration Building dated October 2017 for the Warren County District Landfill;

NOW THEREFORE, be it resolved by the Authority that on October 18, 2017 **three (3)** bids for the above mentioned Request For Bids were opened and read aloud and the contract for the Removal and Replacement of Sidewalks/Curbing at the Administration Building be awarded to **Diamond Construction, 35 Beaverson Blvd, Suite 12C, Brick, NJ 08723** in the lump sum bid amount of **\$28,400.00**, as stated in their bid received on October 18, 2017.

BE IT FURTHER RESOLVED, this contract is awarded as fair and open pursuant to N.J.S.A. 19:44A-20.4 et seq.

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Absent
	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.

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Crystal Gild  
Recording Secretary

Dated: 10/23/17

Mr. Williams stated that he included the emails regarding the leachate evaporator in today's handouts. Mr. Williams stated that he was not sure if anyone would want to discuss this today. Mr. Williams proposed that we have Heartland Technologies back again if the board is "inclined".

Mr. Cannon stated that he feels that the board needs more time to review the information that was provided.

Mr. Cannon stated that we all know what depreciation is and that he is not sure why it was added on as an actual cost. Mr. Mach noted that this is interesting. Mr. Cannon stated that the \$227,000.00 for depreciation costs does not belong because it is not money that we will actually see or lose. Mr. Cannon noted that depreciation costs are for tax purposes only and Mr. Olshefski agreed. Mr. Cannon stated that once this amount is removed the overall cost per gallon decreases.

Mr. Cannon stated that a lot of the other costs used to calculate the \$1,050,500.00 for annual operating costs are costs that we are already paying for in some way. Mr. Cannon stated that he feels that more research into these costs could get us a better overall cost per gallon in his opinion.

Mr. Cannon stated that he asked Mr. Williams to try to use these numbers as a basis for him to come up with a "harder" number. Mr. Cannon noted that he feels that Mr. Williams would probably be able to give us a better number in regards to annual operating costs. Mr. Cannon stated that the board should send Mr. Williams an email with any questions or comments regarding the leachate evaporator costs.

Mr. Cannon stated that if we get our information regarding this formulated before the next meeting that we could invite Heartland Technologies to come back and present to us again.

Mr. Cannon stated that he thinks that Heartland made some assumptions regarding the costs and noted that he believes that Mr. Williams is not comfortable with some of the figures as well.

Mr. Cannon stated that he wants to find out what the real costs are going to be.

Mr. Cannon asked what the current trucking costs are? Mr. Williams answered that the cost of trucking is between \$00.06 and \$00.07 per gallon.

Mr. Cannon stated that when he ran the numbers quickly from Heartland, excluding the depreciation costs, that he came up with a figure of \$00.0527 per gallon which is less than the cost of trucking. Mr. Williams agreed.

Mr. Cannon asked if anyone else has any input regarding this?

Mr. Cannon reiterated that he wants the board to get their questions and comments to Mr. Williams regarding this.

Mr. Pryor stated that he is not really sure how they came up with these numbers and noted that he did not have much time to really look into the information.

Mr. Cannon reiterated that he wants the board to get their questions and comments to Mr. Williams regarding this.

Mr. Olshefski asked what the useful life is on the leachate evaporator? Mr. Pryor stated that he believes that we were told that it is 15 years. Mr. Cannon and Mr. Williams agreed. Mr. Olshefski explained that the reason that they included the depreciation was because in 15 years the equipment would need to be replaced and that you need to put "so much" aside each year to have enough money to cover the replacement once the 15 years has passed. Mr. Cannon stated that in a normal situation he would agree but that we are only looking for the cost per gallon right now.

Mr. Pryor stated that it is his opinion that in 15 years you would reevaluate and potentially go in another direction. Mr. Cannon agreed. Mr. Pryor stated that we account for the depreciation costs one way or the

other and noted that we could look at it as if we cover the depreciation and then in 15 years our capital costs would be “prepaid”. Mr. Olshefski agreed.

Mr. Cannon asked if anyone had any further questions or comments?

Mr. Cannon reiterated that he wants the board to get their questions and comments to Mr. Williams regarding this.

## GENERAL COUNSEL'S REPORT

NONE

## OTHER BUSINESS

Mr. Smith stated that Mr. Dech just sent him a letter from the DEP regarding electronic recycling. Mr. Smith stated that the DEP is saying that charging for covered electronics is prohibited by participating recycling vendors. Mr. Smith stated that this “pretty much echoes” what Mr. Entwistle had said earlier. Mr. Smith stated that NewTech is not a participating recycling vendor which is why they would charge for the covered electronics. Mr. Cannon agreed with this assessment.

Mr. Smith stated that he believes that “the thrust of our efforts” should be to find out why the participating recyclers who are getting the funding from the State are not responding to our solicitations. Mr. Smith stated that he believes that this is the “key”. Mr. Smith stated that if there is a “closed market” “so to speak” that they should be addressing the needs of all of the counties and not just some of them.

Mr. Smith stated that he is going to address this with SWAC and that he will forward the letter to Mr. Williams so that he can forward it to the board.

Mr. Smith noted that the letter refers to information that was issued back in February and most likely subsequent to the law.

Mr. Smith stated that our best strategy would be to try to “get our name at the head of the list” for 2018 so that they cannot come back and say that all of the money is gone.

Mr. Smith stated that we should hopefully be able to work with one of the participating vendors and hold a spring event.

Mr. Allen asked if NewTech was an authorized recycler? Mr. Smith answered that NewTech is an authorized recycler but that they are not a participating vendor in the current State Program. Mr. Williams agreed as did Mr. Pryor.

Mr. Smith stated that there is an exception in terms of expenditures that the DEP does not object to using once the “container is full” but that he is not “gathering” that it is included in our recycling grant. Mr. Smith stated that he feels that these are things that we really need to “nail down” before we start making expenditures.

Mr. Cannon asked if there was any other business to discuss that was not on today’s Agenda?

Mr. Cannon asked if anyone had any further questions or comments?

Mr. Pryor stated that he has an administrative question? Mr. Pryor asked if we have thought about posting the minutes on the website? Mr. Williams and Ms. Gild answered and stated that we do post the minutes on the website.

Mr. Cannon asked if anyone else had any other business to discuss?

**Mr. Cannon** made a motion, seconded by **Mr. Allen**, to take a 5 minute break before entering Executive Session.

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

Regular Session of the meeting came to a break at 11:14 am.

Regular Session resumed at 11:19 am.

#### CLOSING PUBLIC COMMENT

NONE

#### PRESS COMMENTS & QUESTIONS

NONE

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

#### EXECUTIVE SESSION

Executive Session was entered at 11:19 am to discuss contracts.

# RESOLUTION

**R-10-07-17**

## AUTHORIZING EXECUTIVE SESSION

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

Contracts.

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. Mach**

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Pasquini	-	Absent
	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.

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Recording Secretary  
Crystal Gild

Dated: 10/23/2017

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

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

Regular session resumed at 12:42 pm.

Mr. Cannon stated that we are back in public session.

Mr. Cannon asked Mr. Tipton if he needed the board to make any motions regarding the contracts for Covanta that were discussed during Executive Session? Mr. Tipton answered, no.

Mr. Cannon asked if the 2018 Rate Schedule needs to be approved during Public Session? Mr. Williams and Mr. Mach both answered, yes. Mr. Williams asked if we could approve the 2018 Rate Schedule via a motion as opposed to via a resolution? Mr. Tipton asked if we have an agreement as what we are proposing to approve? Mr. Cannon answered, yes.

Mr. Williams stated that the 2018 rate for contract customers only will be increased by \$2.00 per ton. Mr. Cannon agreed. Mr. Tipton stated that this can be approved verbally and then put in document form at a later time. Mr. Mach and Mr. Cannon both stated that we were also adding a \$10 per ton over the contract allotted tonnage limits. Mr. Williams agreed.

On a motion made by **Mr. Cannon** , seconded by **Mr. Mach**, to increase the 2018 rates for contract customers only by \$2.00 per ton and to add a \$10.00 per ton cost for any tonnage over the set contract tonnage limits.

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

Mr. Cannon asked Mr. Williams if he was going to get quotes to have a topographical survey completed? Mr. Williams stated that he would see if we could get the topographical survey completed by the end of the year. Mr. Cannon stated that the board wants it done before that. Mr. Williams stated that they want it done before the end of the year. Mr. Allen and Mr. Mach stated that they would like it done “ASAP”. Mr. Cannon agreed. Mr. Williams stated that it would be done by the end of the year. Mr. Cannon stated that he would like to see it occur within the next 6 weeks so that we could have a report back by December. Mr. Williams agreed. Mr. Mach stated for the record that this is an unofficial topographic survey and that it is not to be submitted to the state. Mr. Williams agreed.

Mr. Cannon called for a motion to approve having a topographic survey in addition to the requirements of the State topographic survey.

On a motion made by **Mr. Mach**, seconded by **Mr. Allen** the board approved Mr. Williams to seek quotes from 3 separate companies to perform an aerial topographic survey of the Warren County Landfill, in addition to the State required aerial topographic survey, as soon as possible.

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

Mr. Williams stated that we need to reschedule the November meeting that is set to be held on Monday, November 20, 2017 due to scheduling conflicts.

Mr. Williams asked if everyone would be available if we rescheduled the meeting to Friday, November 17, 2017?

Mr. Mach stated that it should not be an issue for him. Mr. Cannon stated that he would be here. Mr. Allen and Mr. Pryor stated that they would check their calendars and get back to Mr. Williams.

Mr. Cannon stated that we would “pencil in” November 17, 2017 and that Mr. Williams would confirm with everyone via email.

Mr. Cannon called for a motion to adjourn the meeting.

ADJOURNMENT

With no other business to discuss, **Mr. Mach** motioned to Adjourn, seconded by **Mr. Pryor** at 12:48 pm.

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

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Respectfully submitted by:  
Crystal Gild  
Recording Secretary

Approved: 11/17/17