

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

June 25, 2018

Chairman James Cannon called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:36 am.

Authority Members present: James Cannon (via conference call), Richard Mach, Bud Allen (via conference call) and Joseph Pryor.

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

Also present: Mr. Brendan Mullen, Mott MacDonald; Mr. Brian Henning, Mott MacDonald; Mr. Joe Koehler, Mott MacDonald; James Williams, Director of Operations; Freeholder Director, Ed Smith; Mark Peck, General Counsel; Jamie Banghart, Administrative Supervisor; Crystal Gild, Recording Secretary.

The Pledge of Allegiance was led by Treasurer Pryor.

Mr. Pryor read the following statement: "Adequate notice of this meeting of June 25, 2018 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. Pryor stated that today's Agenda would change.

MINUTES

Mr. Pryor presented (M-1) the regular monthly meeting minutes from May 17, 2018.

Mr. Mach made a motion to approve the Regular Monthly Meeting Minutes from May 17, 2018 as presented, seconded by **Mr. Pryor**.

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

Mr. Pryor presented (M-2) the Executive Session minutes from May 17, 2018.

Mr. Mach made a motion to approve the Executive Session Minutes from May 17, 2018, seconded by **Mr. Pryor**.

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

Mr. Pryor presented (M-3) the Executive Session minutes from May 17, 2018.

Mr. Mach made a motion to approve the Executive Session Minutes from May 17, 2018, seconded by **Mr. Pryor**.

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

Mr. Pryor presented (M-4) the Special Meeting Minutes from May 25, 2018.

Mr. Mach made a motion to approve the Special Meeting Minutes from May 25, 2018 as presented, seconded by **Mr. Allen**.

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

Mr. Pryor presented (M-5) the Special Meeting Executive Session Minutes from May 25, 2018.

Mr. Mach made a motion to approve the Special Meeting Executive Session Minutes from May 25, 2018, seconded by **Mr. Allen**.

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

MOTT MACDONALD PRESENTATION

Mr. Pryor stated that he would like to request a change in the order of business today, because Mott MacDonald is here to make a presentation to the Board.

Mr. Pryor asked if there were any objections to this? Hearing none, Mr. Pryor asked the representatives from Mott MacDonald to begin their presentation.

Mr. Williams asked the representatives from Mott MacDonald to state their names for the record.

Mr. Brendan Mullen introduced himself to the Board.

Mr. Brian Henning introduced himself to the Board.

Mr. Joe Koehler introduced himself to the Board.

Mr. Pryor welcomed the representatives from Mott MacDonald.

Mr. Henning thanked Chairman Cannon, Vice-Chairman Allen and the rest of the Board for allowing Mott MacDonald to have the opportunity to speak with them today regarding their experience in Construction Management Services and Owner's Representative Services as they apply to Landfill Construction.

Mr. Henning stated that he is a resident of Warren County and that he has worked for Mott MacDonald for over a decade. Mr. Henning stated that he started his career in Greenville, SC, working for Rust Environment and Infrastructure as part of their Landfill Design Group, two weeks after graduating from Military College.

Mr. Henning explained that Rust Environment and Infrastructure was owned by Waste Management and noted that they were eventually bought out by Earth Tech, who was then bought out by AECOM.

Mr. Henning stated that he started his career by doing basic Landfill Design, Cell Design, BERM Design and Final Cover Design. He noted that the design work slowed down and he was presented with an opportunity to serve as a Construction Quality Assurance Manager with the Field Services Team. Mr. Henning stated that he worked for approximately 6-months on the designing side and then was asked to fly to Tupelo, MS, and spent an entire summer doing Construction Quality Assurance.

Mr. Henning stated that one the aforementioned experience is on your resume and because there are so, few people who are able to perform Construction Quality Assurance that he ended up doing this full time for the next 10-12 years of his career.

Mr. Henning noted that he worked in SC, NC, GA, FL, TX, MS and TN.

Mr. Henning stated that if it was not raining, clay liners and Geosynthetics were being put down. Mr. Henning stated that he had done everything from cell construction, final cover design and construction and the testing of the various Geosynthetics and natural materials. Mr. Henning noted that he is a nuclear density gauge operator. Mr. Henning also stated that he has been through several kinds of Geosynthetics testing, training and things of that nature. Mr. Henning stated that he spent the majority of his career doing this kind of work.

Mr. Henning stated that he came to work for Mott MacDonald to help Mr. Koehler and Mr. Mullen with the companies Solid Waste Business Development work and Solid Waste Design work. Mr. Henning stated that this pretty much summarizes his background up to this point in time.

Mr. Henning stated that he currently serves as the Chapter President of the Solid Waste Association of North America (SWANA). Mr. Henning noted that he is currently in his second annual term of serving as SWANA's Chapter President. Mr. Henning also stated that he is an Executive Board Member of SWANA, noted that Mr. Mullen is an Executive Board Member and Past President, and further noted that Mr. Koehler is also a SWANA member.

Mr. Pryor stated that he assumes that Mr. Mullen and Mr. Koehler will be speaking as well. Mr. Pryor asked who the primary point of contact would be on this project? Mr. Henning answered that he would be. Mr. Pryor asked Mr. Henning if he is authorized to speak on behalf of the firm? Mr. Henning answered, yes.

Mr. Koehler stated that he has worked for Mott MacDonald for 28 years. Mr. Koehler stated that he has designed three landfill closures, including Middlesex County, Ocean County and Warren County. Mr. Koehler stated that he has been a part of the design and construction of all three of these landfill closures. Mr. Koehler also stated that he designed and managed the construction of the pond out front of our landfill.

Mr. Mullen stated that he has been working for Mott MacDonald for 30 years and noted that Mr. Koehler was working there before he started. Mr. Mullen stated that he has had the honor of working for the PCFA over the course of the last 20 years. Mr. Mullen explained that early on he was involved in a lot of the permitting work for the PCFA. Mr. Mullen noted that the firm had done work for the PCFA regarding the prior expansion permit as well. Mr. Mullen also noted that as Mr. Koehler had mentioned that Mott MacDonald was also involved with the design of the side slope capping project and the lagoon projects for the overflow of the wastewater from the leachate storage tank at the PCFA. Mr. Mullen stated that he has also had some fringe involvement with the PCFA's leachate treatment plant, which was also designed by Mott MacDonald.

Mr. Mullen stated that it has been an honor to work for the PCFA and that Mott MacDonald looks forward to the opportunity to work for the PCFA again.

Mr. Pryor asked what Mr. Mullen's and Mr. Koehler's roles would be during this project?

Mr. Mullen stated that he is a Solid Waste Engineer. Mr. Mullen stated that Solid Waste has been his life and explained that before coming to work for Mott MacDonald, he worked for an Authority such as the PCFA in Ireland for approximately 3 years after he graduated from college.

Mr. Williams stated that Mr. Mullen had worked on the PCFA's closure plans. Mr. Mullen stated that he was correct and noted that he had also worked on the PCFA's financial plans as well.

Mr. Pryor asked Mr. Koehler what his role would be during this project? Mr. Koehler stated that he would be assisting Mr. Henning.

Mr. Pryor stated that there are approximately 90 years of experience between Mr. Henning, Mr. Mullen and Mr. Koehler.

Mr. Pryor asked Mr. Mullen, Mr. Henning and Mr. Koehler if they would like to keep the presentation, informal and answer questions or if they had a presentation planned. Mr. Pryor asked them what they had in mind? Mr. Mullen answered that something more informal will work well.

Mr. Pryor stated that we had put forth a preliminary scope of work in the RFP and noted that he feels that Mott MacDonald had responded to it well. Mr. Pryor asked if they had any comments on the approach or responsibilities, as they were laid out in the scope of work? Mr. Pryor asked if it makes sense to them that, they would have to work with the designer?

Mr. Henning stated that the RFP was standard in terms of identifying what the roles of Mott MacDonald would be if they were given the opportunity to work on the project. Mr. Henning stated that he feels that the most important thing is the understanding that Mott MacDonald would represent the PCFA and that they would keep the PCFA's best interest in mind. Mr. Henning stated that dealing with another engineering firm, he understands that they have been working for the PCFA for a long time. Mr. Henning explained that the Mott MacDonald team knows the team from Cornerstone and noted that some of the Cornerstone team is on the SWANA Board with them as well. Mr. Henning stated that Mott MacDonald is familiar with Cornerstone's work and noted that they are certainly a qualified firm for the project.

Mr. Henning stated that he has seen the preliminary drawings that were drafted by Cornerstone. Mr. Henning noted that he did not go over them in detail, but Mr. Williams had given him a glimpse at the drawings and in his opinion, the project looks like it is laid out well.

Mr. Henning stated that Mott MacDonald is familiar with Ms. Janis Hottinger and Mr. Anthony Fontana, who are the regulators from the DEP.

Mr. Henning noted that the only wild card right now is who the contractor is going to be.

Mr. Henning stated that the Mott MacDonald team is well versed with dealing with contractors and understanding the sticking points and the things that contractors try to get around, things that they want to do well and things that they perhaps want to be sloppy on. Mr. Henning stated that he believes that Mott MacDonald has an understanding of the scope of the work and he does not see any reason why they could not perform admirably for the PCFA.

Mr. Pryor stated that he has a question that applies to the scope of work. Mr. Pryor stated that he is not completely familiar with all of the regulations that apply to inspection of the landfill. Mr. Pryor stated that Cornerstone had mentioned a few different inspections in their scope of work. Mr. Pryor asked if the representatives from Mott MacDonald could elaborate on this?

Mr. Mullen stated that he believes that Mr. Pryor is referring to the requirement for Construction Oversight Services. Mr. Pryor agreed. Mr. Mullen stated that there is also a requirement, at the State level, for Construction Quality Assurance. Mr. Pryor agreed with this as well. Mr. Mullen explained that the Construction Oversight is a 10% check of the work completed on the project and that this is just an assurance that all parties are complying with what they are supposed to be doing.

Mr. Pryor asked if Mott MacDonald could fill the roles for the Construction Oversight Services and the Construction Quality Assurance? Mr. Mullen answered, no and explained that he believes that it is a requirement that the State has and independent Quality Assurance evaluator. Mr. Pryor asked if the State would retain the Quality Assurance evaluator? Mr. Mullen explained that the State would require the PCFA to retain a Quality Assurance evaluator. Mr. Williams stated that the PCFA has to pay for the

service and the State would have input on the Quality Assurance evaluator that the PCFA selects. Mr. Mullen agreed. Mr. Mullen stated that this is because the State wants to keep everyone independent to avoid collusion.

Mr. Mullen stated that he wanted to follow up on what Mr. Henning had stated regarding the scope of work. Mr. Mullen stated that he feels that the PCFA has laid the project out very effectively in regards to having a Construction Oversight Engineer. Mr. Mullen noted that he believes it is important to have the Design Engineer available to offer interpretations of what was in their mind when they put together any specific element of the design. Mr. Mullen explained that a contractor could possibly propose using an alternative material that makes perfect sense to the Construction Oversight Engineer, but it would be good to have the Design Engineer available to offer their insight.

Mr. Cannon asked for clarification regarding the Construction Oversight Engineer and the Quality Assurance evaluator? Mr. Cannon asked if he heard correctly, that the State would require the PCFA to hire two separate entities to perform these duties? Mr. Mullen answered, yes.

Mr. Williams explained that the Construction Oversight Engineer would be a full time position. Mr. Williams also explained that the Quality Assurance evaluator is essentially the eyes and ears for the DEP and that they report directly to the DEP. Mr. Williams stated that what we have always done in the past is, once the DEP became comfortable with the firm(s) working on the project, the Quality Assurance evaluator would be scaled back to an agreed upon amount hours per week. Mr. Williams noted that the Quality Assurance evaluator would not hold a full time position.

Mr. Cannon stated that it is far from the case in this situation that the DEP is unfamiliar with the firm(s) working on the project. Mr. Williams and Mr. Mullen both agreed.

Mr. Mullen explained that the Quality Assurance evaluator typically only takes 10% of the samples that the Construction Oversight Engineer would be taking. Mr. Williams agreed and explained that the Quality Assurance evaluator's role is really scaled back in comparison to the role of the Construction Manager.

Mr. Cannon asked how many times the three different entities are kept separate? Mr. Cannon asked how the process works between the three separate entities? Mr. Williams explained that it has been done a number of different ways here in the past. Mr. Williams explained that there were times that the Design Engineer was the Construction Manager and then the third party was the Quality Assurance evaluator. Mr. Cannon stated that he is asking Mott MacDonald how in all of the projects that they have worked on the process works with the three separate entities. Mr. Mullen stated that he would say that the process is probably 50/50 and that it depends on the prerogative of the client. Mr. Mullen stated that here at the PCFA the Design Engineer has occasionally been the Construction Manager. Mr. Mullen stated that typically they see that half of the time the client goes out and contracts for Construction Management Services separately. Mr. Mullen asked Mr. Koehler if he agrees with this? Mr. Koehler answered, yes.

Mr. Cannon asked if there is a correlation between the 50/50 figure and the size or the dollar figure associated with the individual project? Mr. Koehler stated that it varies and that it really depends upon what the client wants. Mr. Koehler explained that larger clients generally separate the design and construction up. Mr. Cannon asked where the project that the PCFA has on the table is in the range client sizes? Mr. Koehler stated that he would consider the PCFA to be a medium sized client.

Mr. Pryor stated that the Quality Assurance evaluator does not run the job and noted that Mr. Williams had explained it well when he said that they are really just the eyes and ears of the DEP. Mr. Pryor noted

that their role is strictly Quality Assurance and that they do not manage the job. Mr. Pryor stated that the Construction Manager would be who we would have managing the project.

Mr. Mullen agreed. Mr. Mullen explained that it is a regulatory requirement to have a separate entity work the Quality Assurance side of the project. Mr. Williams stated that as far as costs, this is really a small portion of the total cost of the project. Mr. Williams stated that unfortunately the PCFA has to do the hiring and paying of the Quality Assurance Firm.

Mr. Allen asked with the Construction Manager being the principal liaison between the Contractor and the Design Engineer, when would they typically get involved with the Design Engineer regarding their drawings? Mr. Allen stated that it seems to him that the Construction Manager would want to look at the drawings as they are produced. Mr. Allen asked if they could give him some insight as to how soon they would want to be involved in this? Mr. Henning stated that Mott MacDonald would want to be involved after the DEP's approval of the drawings. Mr. Allen asked if this means that they do not want to look at the drawings before they are submitted for approval to the DEP? Mr. Mullen stated that the sooner Mott MacDonald could view the drawings, the better it would be, because they can begin to understand Cornerstone's design philosophy better. Mr. Mullen stated that Mott MacDonald is aware that as soon as they become involved that there is more expense to the PCFA and that they want to be considerate of that.

Mr. Mullen stated that Mott MacDonald's goal is to ensure that the PCFA has a successful project.

Mr. Allen stated that the reasoning for his question was that we are on a very strict timetable for this project. Mr. Mullen stated his understanding regarding this. Mr. Allen stated that he is concerned that if Mott MacDonald waits until the drawings are approved by the DEP to view them, that it could tie things up and cause issues regarding the tight timetable. Mr. Allen noted that he is not sure how anyone else feels about this, but that this is a concern of his.

Mr. Williams provided as another alternative regarding the Construction Oversight Engineer, to retain them on an as needed basis as we go through the design work with Cornerstone before getting to the December 15, 2018 deadline. Mr. Williams stated that it might be beneficial to have the Construction Oversight Engineer working with us to review the design documents. Mr. Williams also stated that once it comes time for the review of the construction documents we would need an entirely separate contract with the Construction Oversight Engineer.

Mr. Pryor stated that he has seen this done a couple of different ways throughout his career. Mr. Pryor stated that his company had a position in Baltimore in which they worked for the Operations Department and they used to perform an Operability Review as the drawings were produced. Mr. Pryor also stated that some companies hold the review until the end and perform a Constructability Review at the end. Mr. Pryor stated that he had previously brought up the value analysis concept. Mr. Pryor stated that there is a menu of options and that he does not believe that we have decided what option to go with, but in his opinion, it is probably best to have the Construction Manager involved before the drawings are signed, sealed, delivered and approved.

Mr. Cannon stated that he agrees with Mr. Pryor. Mr. Cannon stated that he is not sure how we do this or what the process to do this is, but that he would prefer to have the option to get the Construction Manager involved before submittal of any design work.

Mr. Pryor stated that he finds it interesting that this question was brought up, because he had the same question marked down in his notes. Mr. Pryor noted that on the progress report that Cornerstone

provided the Board with the QA/QC (Quality Assurance/Quality Control) Plan is not due until December 2018. Mr. Pryor stated that this would have to be worked out and coordinated long before December. Mr. Allen stated that he agreed and noted that after reviewing the status report from Cornerstone, he was very concerned with the timeline. Mr. Cannon stated that he was going to ask the same question as well.

Mr. Allen apologized, stated that when Mr. Williams was answering his question, he had inadvertently been disconnected from the conference call, and rejoined the call when Mr. Pryor began presenting his thoughts regarding the matter. Mr. Allen stated that everyone agrees as far as having the Construction Oversight Engineer reviewing the design work before the PCFA approves it for submittal to the DEP. Mr. Allen noted that he does not want to approve the design work unless the Construction Oversight Engineer has reviewed it to make sure that it is worthy of approval. Mr. Mullen stated that this thought process makes a lot of sense.

Mr. Williams addressed Mr. Allen and filled him in on what he missed while he was disconnected from the conference call. Mr. Williams stated that while Mr. Allen was disconnected he provided as another alternative regarding the Construction Oversight Engineer, to retain them on an as needed basis as we go through the design work with Cornerstone before getting to the December 15, 2018 deadline. Mr. Williams stated that it might be beneficial to have the Construction Oversight Engineer working with us to review the design documents. Mr. Williams also stated that once it comes time for the review of the construction documents we would need an entirely separate contract with the Construction Oversight Engineer. Mr. Allen stated that in his opinion, it would be worth the extra cost to do this.

Mr. Allen stated that he would like to hear from Mott MacDonald how this particular process would take place. Mr. Allen asked if they would actually spend time at the Cornerstone location looking at the design documents?

Mr. Cannon stated that before Mott MacDonald answers his question he would like Mr. Pryor to clarify his answer regarding this. Mr. Cannon asked Mr. Pryor if he is in agreement regarding bringing on the Construction Oversight Engineer earlier to review the design documents. Mr. Pryor answered, yes. Mr. Pryor stated that the question is how involved the Construction Oversight Engineer is going to be and at what point, they will begin to be involved. Mr. Pryor stated that he feels as though Mr. Henning, Mr. Koehler and Mr. Mullen have 90 years of experience combined and that it would probably be worthwhile to have them comment on the constructability of the documents and other things as the phases of work are completed and delivered. Mr. Pryor noted that the 50% completion point is coming up soon. Mr. Cannon agreed. Mr. Pryor stated that he does not think that the Construction Oversight Engineer should be so involved, that they interfere with the design team. Mr. Pryor stated that the Construction Oversight Engineer should be given a set of drawings to review to see if it is the most cost effective way, is there a quicker way and other things of that nature. Mr. Pryor noted that the review would be ongoing and we should make use of the Engineers' experience. Mr. Pryor stated that it should not be something that is acrimonious and noted that it should be a cooperative effort between the designers and the engineers.

Mr. Cannon stated that he was not sure what the process was and agrees that communication between the two entities should not be acrimonious. Mr. Cannon stated that we are at the point that we are at now because of past experiences.

Mr. Allen stated that he has an additional question, which is related to the question that he had asked earlier. Mr. Allen stated that there are certain elements of the design drawings are things that need to be completed earlier for the construction company than other elements. Mr. Allen stated that there is a flow as to what the construction company needs in order to get the job started. Mr.

Allen asked if we need to wait for the entire design to be completed to start construction or if the design process can be put into a structure or a timeline, which would allow for the elements of the design that are needed for the construction company, so they can start on the construction? Mr. Allen asked if this is something that could be done? Mr. Williams asked Mr. Allen if he is asking if the contractor can start construction before the design plans are completed? Mr. Allen answered, yes. Mr. Williams stated that if we separate out the items we need the contractor to complete, that it would be difficult for the contractor to put a constructive bid together. Mr. Williams stated that Cornerstone is going to have the design work completed by December, as our current contract with them states. Mr. Williams stated that all of the design documents would be completed and delivered to the PCFA by December.

Mr. Allen asked if Cornerstone is going to have different members of their team working on separate portions of the project? Mr. Williams answered, yes. Mr. Cannon stated that he understands what Mr. Allen is trying to say. Mr. Cannon stated that Mr. Allen wants Mott MacDonald to be able to double-check that the process that Cornerstone will propose once the design documents are completed. Mr. Cannon asked Mr. Allen if that is what he was trying to say. Mr. Allen answered, yes. Mr. Allen stated that he feels that Mr. Henning would understand the point that he is trying to make. Mr. Allen stated that construction takes place regarding a series of items that need to be completed first. Mr. Allen stated that the design documents that reflect the first phases of construction should be made available to Mott MacDonald for their review early on, so that Mott MacDonald can review the accurateness of said documents. Mr. Allen stated that this is the process that should be completed through the entire design process, meaning that as each design phase is completed, it should be sent to Mott MacDonald for their review.

Mr. Cannon stated that he understands what Mr. Allen is trying to convey. Mr. Cannon stated that Mr. Allen is saying that the beginning steps that are proposed in the design documents should be completed first and sent out for review. Mr. Cannon stated that this would allow for what needs to be started with right away to be given to us a month ahead of the design documents December deadline. Mr. Allen answered, yes. Mr. Allen stated that he is sure that Mr. Henning understands what he is trying to convey. Mr. Allen stated that Mr. Henning is going to be putting together a timeline for the construction of the project, to be sure that the project is completed on time. Mr. Allen explained that the elements of the design work that are first on the construction timeline should be reviewed first. Mr. Allen emphasized that he does not want construction elements that are going to be completed last, to be reviewed before items that need to be completed first.

Mr. Allen stated that he understands what Mr. Williams was saying regarding the fact that Cornerstone is going to deliver the completed design work in December. Mr. Allen stated that if Mott MacDonald were going to become involved in the process prior to the construction, that he would hope that they would be reviewing the items that start the construction phase of the project first. Mr. Allen noted that he could possibly be overly concerned about this. Mr. Allen asked Mr. Henning for his thoughts regarding this. Mr. Cannon stated, to summarize Mr. Allen's concerns, is that we want to avoid any issues that have occurred in the past such as delays and so on. Mr. Cannon stated that we want to make sure that there are no delays regarding the elements of construction that need to be started right away, once the design work is completed. Mr. Cannon stated that we do not want Cornerstone to be providing us with pertinent information on a delayed schedule, which has occurred in the past. Mr. Allen stated that he was trying to avoid being critical of Cornerstone, but that Mr. Cannon has stated his point exactly as he had meant it. Mr. Allen stated that there is too much history between the PCFA and Cornerstone regarding having items that should have been completed first, not being completed first. Mr. Allen stated that he understands that this is a different situation, but that he is just concerned with the flow in which Cornerstone is going to deliver the design work. Mr. Cannon agreed. Mr. Cannon stated that Mr. Pryor

had said that there are several options we could consider and he would like to hear which option Mott MacDonald feels is best.

Mr. Henning stated that the message that Mr. Allen and Mr. Cannon were trying to convey, has been received.

Mr. Henning stated that Mott MacDonald understands that projects like this require phasing plans. Mr. Henning stated that Mr. Williams had shared the permit drawings with him, so he has an understanding regarding the design of the project. Mr. Henning noted that he does not know all of the details of the design, because there has not been an opportunity for his firm to scrutinize the design set as of yet. Mr. Henning stated, with that being said, projects such as ours will initially have mobilization tasks, surveying work and clearing work that needs to be completed specifically at the site level. Mr. Henning stated that then there will be items that need to be completed such as shop drawing reviews where the contractor will have to identify what products he will be using to complete the design. Mr. Henning stated that then, conformant samples would need to be used to ensure that all of the material that the contractor intends on using is acceptable and meets the specifications, so that they can then go ahead and give the manufacturer the green light to begin production, so that the material are shipped here on time. Mr. Henning stated that he was just referencing some examples of the front end, possibly long lead items, or critical path items, that Mott MacDonald will give a disproportionate amount of time looking at in the front end, so that they do not impact and cause cascading problems as the project advances.

Mr. Cannon asked Mr. Allen if Mr. Henning's explanation had answered his question? Mr. Allen answered, yes. Mr. Allen noted that he was looking for more regarding Mott MacDonald's coordination with Cornerstone regarding the design elements. Mr. Mullen stated that he understands what Mr. Allen is saying. Mr. Mullen stated that he is aware that Mr. Henning was speaking specifically about the contractor. Mr. Mullen explained that the contractor would be required to provide a schedule of construction up front. Mr. Mullen stated that Mott MacDonald would ensure that the schedule provided by the contractor is bulletproof.

Mr. Mullen stated that he believes that Mr. Allen's question goes more towards starting with today going forward until December and what the interaction and path forward is regarding the relationship and communication between Mott MacDonald, the PCFA and Cornerstone. Mr. Mullen stated that he would suggest regular monthly meetings between all three parties between now and December. Mr. Mullen noted that these meetings would take place here at the PCFA offices. Mr. Mullen also noted that these meetings would serve the purpose of being able to review the state of deliverables, the schedule for meeting the December deadline and making sure that the front-end items in the design are being accomplished first. Mr. Mullen stated that this would allow any issues to be ironed out right away, before moving on to the more detailed design deliverables.

Mr. Cannon asked Mr. Williams what his thoughts are regarding this? Mr. Williams stated that he feels that Mr. Mullen is absolutely correct. Mr. Williams noted that this is pretty much how it has always been done in the past. Mr. Cannon stated that there are only five months to go between now and December, which would mean that we would have five meetings regarding this, along with some phone calls in between. Mr. Cannon noted that he does not feel that this would be overkill at all. Mr. Williams agreed. Mr. Williams stated that this will help ensure, even though Cornerstone is under contract to have the deliverables to us by December, that we will not be receiving all of the design work at the 11th hour. Mr. Cannon agreed. Mr. Williams stated that we want to be able to review the design work properly and noted that the design work will also have to be reviewed by Counsel as well before the final documents are completed. Mr. Williams stated that he feels that Mr. Mullen's meeting suggestion is a good approach.

Mr. Allen asked if he heard Mr. Mullen's answer correctly? Mr. Allen asked if Mott MacDonald would be present at each one of the meetings with Cornerstone at the PCFA? Mr. Allen asked if this would be Mott MacDonald's mutual exposure to the design documents? Mr. Mullen asked if Mott MacDonald would take that information back to their office and thoroughly review it? Mr. Cannon stated that it might be better if Mott MacDonald is given Cornerstone's work and review it prior to the meetings. Mr. Allen stated that he agrees with what Mr. Cannon just suggested. Mr. Mullen stated that Mott MacDonald wants to be sensitive to the contract that the PCFA has with Cornerstone. Mr. Mullen stated that Mott MacDonald does not want to complicate the relationship between the PCFA and Cornerstone. Mr. Cannon stated that he does not want to have Mott MacDonald and Cornerstone in the same room until it is absolutely necessary. Mr. Cannon stated that he does not see any reason why Cornerstone cannot submit the design work and then Mott MacDonald can review it and come to the PCFA's monthly meeting to go over their findings. Mr. Cannon stated that if there are any issues presented by Mott MacDonald at the monthly meetings that we can then have Cornerstone come in for a meeting.

Mr. Pryor stated that his opinion regarding this is that it would be part of Mott MacDonald's job or any firm that ends up working on this to monitor the activities of Cornerstone and make sure that we are being provided with accurate progress reporting and that the deadline is going to be met. Mr. Pryor stated in terms of the review that he feels that having a meeting with no preparation would be a mess. Mr. Pryor stated that the reviewing firm should be given the design documents, review them, develop their questions and then have some form of interaction to resolve any concerns or suggestions. Mr. Pryor stated that there is really only one designer working on the project, which is Cornerstone. Mr. Pryor stated that Mott MacDonald's job would be to review the design work and provide feedback. Mr. Pryor noted that Mott MacDonald's job would not be to review all of the stability calculations and actually perform the designer's job. Mr. Mullen agreed. Mr. Williams agreed as well.

Mr. Cannon stated that this sound like a motion that will be made in the future to him. Mr. Pryor stated that he hopes that someone wrote down what he said. Mr. Williams stated that it is all recorded and will be reflected in the meeting minutes. Mr. Pryor stated his content regarding this. Mr. Cannon noted that he likes the word "monitor" a lot. Mr. Allen stated his agreement.

Mr. Koehler stated that the important part of the schedule is to make sure that all of the permits are submitted on time. Mr. Koehler noted that if this were not done, the schedule would be disrupted significantly.

Mr. Williams stated that any possible delay in the design work could cause major timeline issues. Mr. Cannon stated that this is exactly why Mott MacDonald is here today, speaking to the Board regarding Construction Oversight. Mr. Cannon emphasized that we cannot afford for there to be any delays within this project. Mr. Cannon noted that he feels that this is the exact point that Mr. Allen has been trying to make. Mr. Cannon noted that he feels as though Mott MacDonald understands the PCFA's concerns and has presented a strong plan in order to eliminate any delays. Mr. Mullen stated that Mott MacDonald just wants to make sure that their plan does not complicate or make the PCFA's relationship with Cornerstone more expensive. Mr. Mullen noted that Cornerstone might not be prepared to provide monthly deliverables.

Mr. Williams stated that he believes that we had asked Cornerstone to provide us with deliverables on a monthly basis. Mr. Pryor stated that Cornerstone had mentioned providing us with information when the project was 50% completed and then so on and so forth. Mr. Williams stated that he will go back and look to see what was discussed, but he believes that we have already asked them to provide us with monthly deliverables. Mr. Williams noted that he believes that the monthly deliverables were to be sent to the entire Board. Mr. Cannon stated that this was something that was quite important to us, which is

why he believes that we had asked them to send monthly deliverables. Mr. Williams agreed and noted that he will go back and double check to make sure, but that he is very confident that we had done so.

Mr. Pryor stated that he has a question for Mott MacDonald. Mr. Pryor stated that one of the toughest items regarding any construction project is change orders and claims. Mr. Pryor asked Mott MacDonald to discuss how they would see their role regarding this. Mr. Allen stated that he was unable to hear Mr. Pryor's question well. Mr. Mullen stated that Mr. Pryor asked what Mott MacDonald's role would be regarding change orders and claims. Mr. Henning stated that he will give his answer to Mr. Pryor's question and then he will have Mr. Koehler give his answer as well, since he has a fair amount of experience in the area being discussed.

Mr. Henning stated that generally, in the past, how he or Mott MacDonald has dealt with change orders on the landfill side is to get an understanding of the reason for the change order. Mr. Henning noted that the reason for the change order could be items such as poor performance, poor planning on the contractor's part resulting in the contractor trying to make up for it by asking for more money, or there was truly a change in conditions. Mr. Henning stated that a full understanding of the genesis or background of what occurred to cause a change order to be submitted. Mr. Henning noted that then you need to get a sense as to whether or not there is a dollar figure attached to the change order.

Mr. Henning stated that if it is found that there is merit for the change order that he would come and speak to Mr. Williams and explain what they found to justify the change order. Mr. Henning also stated that if there is a dollar figure attached to the change order, that he would perform his own independent assessment regarding how much he believes the cost should be and then compare to see if the figures he comes up with align with the amount of money the contractor is asking for.

Mr. Henning stated that the main concern with a change order is differentiating between if there is an issue with the contractor such as poor performance, poor planning or bad craftsmanship or is there truly a change in conditions. Mr. Henning noted that the only way that you can get a sense for one or the other is to collect all of the facts and then evaluate them.

Mr. Pryor stated that, the other thing regarding change orders is that the design engineer would have to sign off on any change orders. Mr. Pryor asked Mr. Henning how they would interact with the design engineer during the process? Mr. Pryor noted that design engineers could be sensitive. Mr. Henning agreed that design engineers can be sensitive and stated that this does represent a challenge. Mr. Henning stated that Construction Management is all conflict resolution and noted that you can call it many different things, but generally, it is simply conflict resolution. Mr. Henning stated that he would handle dealing with the design engineer in a similar way as to he would handle the change order. Mr. Henning stated that he would let them know what was going on, and present them with all of the facts. Mr. Henning noted that these people are typically reasonable and that they have clear thinking and critical analysis. Mr. Henning noted that he believes that the design engineer would agree with his approach.

Mr. Mullen stated that he would like to add to Mr. Henning's response.

Mr. Mullen stated that he believes that the critical issue with change orders and claims starts with the contractor selection. Mr. Mullen stated that when this project goes out to bid for a contractor, we need to be very clear on who it is that we are interviewing and research the contractor's history. Mr. Mullen stated that we have had some excellent contractors work here in the past and if they had a change order, it was genuinely based on merit.

Mr. Mullen noted that he was program manager for a site in NY State where they were working on a 17-acre landfill capping approximately two years ago. Mr. Mullen reiterated that contractor selection, more than anything, is the answer to claims resolution. Mr. Mullen stated that during the project he is referring to, they sat down with the contractors that were in the pool for selection and ensured that each of them understood the scope of the project. Mr. Mullen stated that looking at the contractor's history, the scope of the work needed to be completed and working fairly with the contractors is really a big part regarding change orders and claims. Mr. Mullen noted that on the project he is referencing there were absolutely zero claims and that this was because of good contractor selection and understanding that if, you give contractors a fair shake that they will give you a fair shake in return.

Mr. Pryor stated that he has a few things to add to what Mr. Mullen had said. Mr. Pryor stated that in NJ we function under the Local Public Contracts Law. Mr. Pryor stated that if we simply advertise the bid, it is very difficult to throw someone out of the bid selection. Mr. Pryor noted that he believes that there is a provision in the law in regards to pre-qualification. Mr. Peck stated that such provisions do exist. Mr. Peck stated that if the bidder meets the parameters set forth in the bid, that we would then be obligated to accept them as a bidder.

Mr. Williams stated that something we have included within the construction documents in the past is a statement that the contractor putting a bid in is required to have a minimum landfill construction related history. As an example, the contractor would have to include jobs within the last five years of installing one million square feet of liner. Mr. Williams stated that this is an example of a qualification that we would hold any bidders too. Mr. Williams stated that this helps to weed out some of the contractors that may not have the experience for a project like this. Mr. Williams noted that our qualifications set forth within the bid would always be within reason.

Mr. Pryor stated that if qualifications listed in the bid are not within reason, they are usually challenged or at the very least, challengeable.

Mr. Cannon stated that in the past, we had change orders, but we did not have a Construction Manager. Mr. Cannon stated that Cornerstone theoretically, presented the case as to why the change order was needed, possibly without much judgement as to whether the change order was justified or not. Mr. Cannon noted that he feels that the way that Mott MacDonald explained how the process would go, working with them, was a much better process than we had before. Mr. Cannon stated that he is pleased with the fact that the change order request would be thoroughly evaluated. Mr. Cannon stated that this would not be possible if we do not hire a Construction Oversight Manager. Mr. Cannon also stated that if we do not hire a Construction Oversight Manager, we would be right back to why we are discussing hiring a Construction manager and would open us up to potential problems down the road. Mr. Cannon stated that he feels that having another professional reviewing the change orders is an excellent solution for the whole situation.

Mr. Williams stated that this is why, in his opinion, this process would work well with a project like this. Mr. Williams noted having a second or third set of eyes, other than the design engineer and the contractor, is beneficial. Mr. Cannon stated that the Board would not approve any change orders, unless we have assurance, from an independent body who is working solely for us, stating that the change order has merit. Mr. Cannon stated that there would be no need for it to be included in Cornerstone's contract, that they are responsible for evaluating every change order. Mr. Williams agreed.

Mr. Pryor stated that he feels that if someone post audits the job, the documentation regarding the change orders, is very important. Mr. Pryor stated that in the past, the documentation regarding change orders would state that all of the claims have been resolved for a specific monetary amount, and noted that this

opens an entity up for all kinds of criticism. Mr. Pryor stated that if it is explained why the change order occurred, proved that the change order was justified, and assured that the cost associated with the change order is accurate, this would provide the minimum amount of documentation needed to support a change order.

Mr. Koehler stated that one of the things that you would like to achieve, as a Construction Manager is to avoid change orders and claims. Mr. Koehler noted that if you are out in front of the claim, it could be avoided. Mr. Koehler also noted that this is especially true, if as construction is going along, the Construction Manager is looking ahead regarding the construction and will see if there is going to be something that could impede the construction. Mr. Koehler stated that there could be an issue regarding the construction design and the Construction Manager could possibly move the schedule around to avoid the claim. Mr. Koehler stated that having claim avoidance is very important and requires having team members such as Cornerstone, the PCFA, the Contractor and the Construction Manager, working together which really helps to avoid claims.

Mr. Cannon stated his understanding regarding this. Mr. Cannon stated that claim avoidance would be very difficult for the PCFA without having a Construction Manager working with us on the project. Mr. Cannon noted that sometimes change orders come in late, which means that it is too late to discuss it or investigate it. Mr. Koehler agreed that this does happen.

Mr. Cannon stated that all of the questions that he had prepared have been answered. Mr. Cannon asked Mr. Pryor if all of his questions have been answered?

Mr. Pryor stated that all of his concerns have been addressed as well.

Mr. Mach stated that he has a question.

Mr. Mach stated that what we are building is described as a Mechanically Stabilized Earth (MSE) and Berm and explained that this is what is responsible for holding the landfill up. Mr. Mach asked what Mott MacDonald's familiarity is with this is and if they have ever done anything like this? Mr. Mach noted that it is his understanding that we will be the second landfill with this type of stabilization. Mr. Mach also noted that the first landfill with an MSE Berm is in Sussex County, NJ. Mr. Henning stated that this is correct. Mr. Mach asked how comfortable Mott MacDonald is with being able to provide the QA needed for this kind of a project? Mr. Cannon noted that this is the second site with this type of stabilization in NJ, but explained that this has been done all over the country. Mr. Koehler agreed.

Mr. Koehler stated that essentially the MSE Berm is nothing more than a structural Berm, such as the wall that is out in front of this facility. Mr. Koehler stated that the MSE Berm requires a solid stabilized base that is compacted well, requires the correct geofabric to be put in, and requires the correct material be used as specified by the designer, as well as needs to be installed correctly. Mr. Koehler noted that you need to be sure that the fabric is turned the right way. Mr. Koehler stated that there are several nuances to building walls and noted that they have to be done correctly. Mr. Koehler stated that he has designed and built several structural walls.

Mr. Henning stated that the QA philosophy is that all of the principles apply to the wall, ensuring that as Mr. Koehler had mentioned, that the Geosynthetics are oriented in the proper direction, ensuring that they material that is brought in and was specified actually aligns with the specification, and that the compaction is done properly. Mr. Henning noted that it is just a matter of paying attention to the details during construction. Mr. Henning also noted that our project is very comparable to other projects that are out there. Mr. Henning explained that back in the early 90's, he was responsible for the oversight for a

very large Berm that had many Geosynthetics incorporated into it. Mr. Henning stated that this is essentially, what happens with an MSE Berm as well. Mr. Henning explained that you are leveraging the properties of the Geosynthetics as they are incorporated into the site feature, to give it strength, so that you can avoid a long horizontal run on the Berm. Mr. Henning noted that footprint space is being saved and that air space is being gained.

Mr. Mach stated that he is hearing that Mott MacDonald is comfortable with the MSE Berm. Mr. Henning stated that this was correct.

Mr. Pryor noted that Mr. Mach's question was a good one.

Mr. Cannon asked if anyone knows what happened with the Berm that was in Easton and why it washed out? Mr. Williams stated that the reason the site failed in Easton was that there was no Berm. Mr. Williams explained that there was a very steep side slope and due to all of the heavy rains that were encountered, it caused the 2:1 side slope to fail. Mr. Cannon asked if the facility in Easton only had a liner and no Berm? Mr. Williams stated that they did not even have a liner and explained that all of the garbage ended up coming off the slope and into the roadway. Mr. Williams noted that PA regulations differ from NJ regulations. Mr. Cannon stated that he understands that and noted that he never knew what exactly caused the Easton facility to fail.

Mr. Allen asked if it was the DEP who had come back to Cornerstone and informed them that they required an MSE Berm to be installed? Mr. Williams stated that Cornerstone had actually proposed the MSE Berm to the DEP. Mr. Allen asked if the DEP had an issue with it? Mr. Williams answered, no. Mr. Williams explained that initially the DEP wanted all of the stability calculations and so on up front. Mr. Williams noted that the stability calculations and other items regarding this are going to be part of Cornerstone's submission to the DEP, prior to December. Mr. Williams also noted that this is one of the items required as well as the certification of the H2S system and several other documents that Cornerstone has agreed to submit to the DEP prior to construction.

Mr. Cannon stated that these were asks from the DEP that were not required for the Sussex County project. Mr. Williams stated that this is correct. Mr. Williams stated that the Sussex facility ended up having to provide this information to the DEP at some point, but that it was not required up front. Mr. Cannon stated his understanding.

Mr. Allen asked if Cornerstone is going to make some recommendations for the contractor? Mr. Williams explained that what Cornerstone will do when the bids come back, is that they will review the bids in accordance with the required minimum specifications that need to be met by the contractor. Mr. Williams noted that after Cornerstone reviews the bids, they would provide the PCFA with a recommendation of a contractor based on price and qualifications.

Mr. Pryor stated that he does not agree with this. Mr. Pryor stated that under the Local Public Contracts Law, the bidder is required to be responsive and responsible. Mr. Pryor explained that it is very hard to start jockeying positions based on qualifications. Mr. Pryor noted that a reasonable man would have to decide that the contractor is so unqualified that he would not possibly be able to finish the job. Mr. Pryor stated that the correct process with accepting bids, is that they are accepted in the order that the bids come in and a bidder can be disqualified if they are non-responsive, which is different. Mr. Pryor explained that a non-responsive bidder is someone who may have submitted the bid package incorrectly, what items are waivable, and what items are not waivable and so on.

Mr. Cannon asked if Mr. Pryor is referring to the possibility that Cornerstone may select a contractor that Mott MacDonald is not in agreement with? Mr. Pryor answered, no. Mr. Pryor explained that he is trying to convey that the bid process in NJ is not setup to get you the best contractor and further explained that the bid process in NJ is setup to prevent collusion. Mr. Pryor explained that if a bidder meets a minimum standard of responsibility, that it is hard to take them out of the running for the bid.

Mr. Pryor stated that he believes that there was a case at one point where a Judge ruled that everyone deserves a first job. Mr. Pryor stated that if a bidder provides the bonds and offers an experienced crew, that it is very difficult to throw them out of the running for the bid.

Mr. Pryor explained that the way a bidder is taken out of the running for the bid is if they did not respond to the bid, meaning that a key submission was left out of the bid, a required bid item was not provided and so on.

Mr. Cannon stated that he believes that Mr. Williams' point was that in the past, any contractor putting a bid in needed to have a minimum history, within the last five years of installing one million square feet of liner. Mr. Williams agreed. Mr. Pryor stated again, that based on his experience, and recognizing that he is a Commissioner and not an Engineer in this role, that everyone can fight in court. Mr. Pryor stated that he would ask Mr. Peck for his opinion regarding this. Mr. Peck stated that you never know how what the ruling of a court proceeding will be. Mr. Pryor stated that if experience requirements are incorporated into a bid, that they must be reasonable.

Mr. Cannon stated that if a contractor is entitled to a first job, in our eyes, according to Mr. Williams, said the contractor would not be sufficiently qualified for the job. Mr. Pryor stated that we do not want our job to be a contractor's first job. Mr. Pryor stated that what he is trying to say is that any contractor, who is eliminated from the bid running, can go to court and plead his case. Mr. Pryor stated that a contractor had done so at one point and that a lawyer had explained to Mr. Pryor that this is something that can happen, what do you expect? Mr. Pryor stated that he feels that if we go out to bid and keep the experience requirements reasonable, that we would be in a much better position, then, if the requirements are outrageous. Mr. Pryor stated that once the bidder meets the experience requirements, he is deemed a responsible contractor and cannot be taken out of the running for the bid. Mr. Cannon stated his understanding.

Mr. Pryor stated that there is capability within the law to disqualifying a bidder for poor performance on other projects and asked for Mr. Peck's opinion on this. Mr. Peck stated that if a project is put out to bid and the bid asks for the qualifications of the bidder and the entity that the bidder provided you with as a reference reports that the bidder had poor performance on their project, then this could be taken into consideration. Mr. Peck stated that putting a bid package together can sometimes be an art, but with pre-qualification and other tools similar to that, we could still craft the bid in such a way that you will get bidders who know what they are doing, even though we are required to accept the lowest responsive bidder. Mr. Williams stated his agreement.

Mr. Cannon stated that he would like to hear what Mott MacDonald would suggest regarding the bid process. Mr. Cannon stated that he would also like to know how Mott MacDonald would be involved with the bid process. Mr. Williams asked Mr. Cannon if he is referring to the process that is taken once the bids are received? Mr. Cannon answered, yes. Mr. Cannon stated that he wants to know if the contractor selected for the project will be the product of a joint decision between the PCFA, Cornerstone and Mott MacDonald.

Mr. Koehler stated that he would suggest that pre-qualification be done first and then come up with a list of contractors that we approve for the project. Mr. Koehler stated that Mott MacDonald could be involved with this, as little or as much as the PCFA wants them to be to help us come up with a list of pre-qualifications. Mr. Koehler stated that once the contractors go through the pre-qualification review, we could then put the project out for bid, with the pre-selected contractors. Mr. Allen stated that he agrees with this and that he would want Mott MacDonald involved as much as possible.

Mr. Cannon asked who from Mott MacDonald is currently addressing the Board? Mr. Mullen stated that Mr. Koehler was just addressing the Board. Mr. Cannon asked Mr. Koehler to provide him with the next step in the process that he had just suggested.

Mr. Koehler stated that the next step would be the receipt of the bids, which would then typically be reviewed by Cornerstone for their conformity to the Public Contracts Law requirements and then if all of those requirements were met, Cornerstone would make a recommendation. Mr. Koehler also explained that Cornerstone would also have to look at the price listed in the bid, to make sure that it fell into the estimate that they had put together for the bid. Mr. Koehler noted that Cornerstone would refute or agree with the price depending on what it was. Mr. Koehler stated that at this point, if the PCFA would like them to, Mott MacDonald could review the bids as well.

Mr. Cannon asked where does the PCFA get involved in the bid process? Mr. Cannon noted that if the PCFA were to hire Mott MacDonald, that they would be lead, obviously working for the PCFA. Mr. Cannon asked if we would be provided with the list of bidders that Cornerstone did not recommend and when the PCFA would be involved? Mr. Williams stated that the PCFA would be involved as soon as the bids come in. Mr. Koehler agreed. Mr. Cannon stated that he understands this.

Mr. Cannon stated that he is trying to go through the bid acceptance process step by step. Mr. Cannon stated that Cornerstone, their Counsel and our Counsel would first review the bids to make sure that all of the bid requirements and specifications were met. Mr. Cannon asked if from that point, Cornerstone would select the contractor or if our representative, Mott MacDonald, would also be working with Cornerstone to review the bids that met the requirements and specifications and select a contractor for the project? Mr. Williams and Mr. Koehler stated that Counsel would also be involved with this.

Mr. Cannon stated that if the PCFA is going to be our eyes and ears, he feels that it is important that we have a say in the bidding process. Mr. Cannon stated that he believes that this is likely a unanimous feeling across the Board. Mr. Cannon noted that he was in favor of the process that Mott MacDonald had just described.

Mr. Mullen stated that he does not believe that anything gets committed to paper, simply because a recommendation was made for a specific contractor. Mr. Mullen noted that nothing is done in a vacuum. Mr. Mullen stated that he believes that if Mott MacDonald is working for the PCFA, it will be on them to take the contractor review and provide the PCFA with their suggestions, either with Cornerstone or independent of Cornerstone. Mr. Mullen stated that no formal recommendations would be made final until all parties are on the same page. Mr. Cannon stated that this explanation answers his question. Mr. Allen stated that the explanation satisfies his concerns as well.

Mr. Cannon asked if there were any other questions for Mott MacDonald or if Mott MacDonald had anything else to add? Mr. Cannon asked if Mott MacDonald has any questions or concerns regarding things moving forward?

Mr. Henning stated that he, Mr. Mullen and Mr. Koehler appreciate the opportunity to sit before the PCFA Board today and speak with them. Mr. Henning thanked the Board for their time today.

Mr. Allen stated that he came into the meeting today with several concerns and that they were all addressed today. Mr. Allen stated that he appreciates Mott MacDonald's input and looks forward to working with them. Mr. Mullen and Mr. Henning thanked Mr. Allen for his kind words.

Mr. Williams asked the Board what steps they want to take next in regards to hiring a Construction Manager and Owner's Representative? Mr. Williams asked the Board if they would like to speak with any other firms regarding this? Mr. Williams asked if the Board would like to receive a formal proposal from Mott MacDonald that includes their hourly charge, since they now have an idea as to what we are looking for them to do. Mr. Williams stated that Mott MacDonald is now aware that we want them to be involved with the oversight of the completion of the construction documents. Mr. Williams asked the Board if they want to ask Mott MacDonald for a formal proposal to move forward and work with the PCFA?

Mr. Cannon asked if Mott MacDonald has a proposal with them now? Mr. Williams answered, no. Mr. Pryor stated that he feels that Mott MacDonald needed to have today's discussion with the PCFA before they could have submitted a formal proposal to us. Mr. Mullen agreed. Mr. Cannon agreed. Mr. Cannon asked if the meeting needs to be moved into Executive Session to discuss things further. Mr. Cannon stated that Mott MacDonald would then be able to get something submitted to us. Mr. Cannon stated that in his opinion Mott MacDonald and the PCFA both understand how the relationship is going to work and what is needed regarding getting this project completed within the narrow timeline we have for it. Mr. Cannon stated that as soon as Mott MacDonald presents us with a formal proposal, both entities could have a phone conversation and go from there.

Mr. Pryor stated that we do not need to take care what he is about to say in Executive Session. Mr. Pryor stated that the one thing he had heard come up many times during today's discussion is pre-qualification. Mr. Pryor noted that he thinks that this may be feasible under the Local Public Contracts Law. Mr. Pryor stated that he would ask Mott MacDonald, if they developed a scope of work, to make a provision within it to investigate our ability to request pre-qualification. Mr. Pryor noted that Mott MacDonald would need to work with our Attorney to do this.

Mr. Pryor stated that the other concern that he had is the QA/QC plan. Mr. Pryor noted that he does not want to see this being handed to Mott MacDonald in December to review. Mr. Pryor stated that we need to figure out a way to get Mott MacDonald involved in the QA/QC plan as early on as possible. Mr. Allen stated that he is in agreement with this. Mr. Cannon stated that he believes that Mr. Williams could send an email to Cornerstone on behalf of the PCFA Board regarding their concerns about the timing of the completion of the QA/QC plan. Mr. Cannon stated that he feels that we need to make Cornerstone aware of our feelings regarding this right away. Mr. Williams stated that he would take care of this.

Mr. Williams stated that in order for the PCFA to move forward with Mott MacDonald with a Non-Fair and Open Contract, they would simply need to submit a formal proposal along with all of the required documents and disclosures to us. Mr. Peck stated that he believes that this is correct, because Mott MacDonald would be providing us with a professional service. Mr. Peck stated that he would like to take another look at the Law, just to make sure that we are not looking over any procedures that may need to be taken. Mr. Peck stated that he would have an answer regarding this by the end of the day today.

Mr. Pryor asked if we had put out an advertisement for this service? Mr. Williams answered, no. Mr. Pryor asked how many people we reached out to about this specific professional service? Mr. Williams

stated that he had sent it out to two entities and that he is waiting on an address so that he can send it to a third entity. Mr. Williams noted that out of the two entities that he reached out to so far, that Mott MacDonald was the only responsive entity.

Mr. Pryor stated that regardless of all of this, we would either have to publicly advertise for a Fair and Open Contract for this or we are free to enter into a Non-Fair and Open Contract immediately. Mr. Williams agreed. Mr. Peck stated that he would check to make sure there are no hoops to jump through to award a contract and that he would get back to us regarding this by the end of the day.

Mr. Cannon stated his agreement to this.

Mr. Williams asked how quickly we would like to see a proposal from Mott MacDonald? Mr. Williams asked the Board if they want to wait until the July meeting or if they want something from Mott MacDonald sooner? Mr. Cannon stated that he would like to have a proposal from Mott MacDonald as soon as possible. Mr. Pryor suggested that we enter into Executive Session before discussing this any further.

Mr. Pryor noted that he feels by the end of today's meeting Mr. Williams will be able to contact Mott MacDonald with some guidance. Mr. Mullen expressed his satisfaction with this. Mr. Mullen stated that Mott MacDonald commits to getting the PCFA a proposal by the end of this week.

Mr. Williams asked the members of the Board if they had any further questions for the gentleman from Mott MacDonald? Everyone answered, no.

Mr. Allen stated that he could not hear the discussion that had taken place just prior to the representatives from Mott MacDonald leaving. Mr. Allen asked what we are going to be doing in terms of expediting this?

Mr. Pryor suggested that the meeting be moved into Executive Session.

Mr. Mach asked Mr. Cannon if he would like to move the meeting into Executive Session now? Mr. Cannon answered, yes, as did Mr. Allen.

EXECUTIVE SESSION

Mr. Pryor called for a motion to enter into Executive Session at 10:49 am.

On a motion made by, *Mr. Mach*, seconded by, *Mr. Pryor*, the meeting was moved into Executive Session.

RESOLUTION

R-06-02-18

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. Mach*

Seconded By: *Mr. Pryor*

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

Recording Secretary
Crystal Gild

Dated: 06/25/18

Mr. Pryor called for a motion to come out of Executive Session.

On a motion by, **Mr. Mach**, seconded by, **Mr. Cannon**, the Executive Session concluded at 11:08 am.

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

Open Session resumed at 11:08 am.

On a motion by, **Mr. Cannon**, seconded by, **Mr. Mach**, the PCFA Board gives Mr. Williams permission to request a proposal from Mott MacDonald for Construction Management Owner's Representative Services for Cell 7.

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

CORRESPONDENCE

None.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None.

FINANCE

Mr. Williams presented Agenda Item A-1 (May 2018 Finance Report) to the Board.

Mr. Williams stated that all of the financials are going in accordance as planned.

Mr. Williams asked if everyone had a chance to review the revised bill schedule that was sent via email? Everyone answered, yes.

Mr. Cannon asked, regarding the tonnage coming in, if we are bringing in less than what we were planning on? Mr. Cannon noted that the comparison between this year and last year is not a fair one. Mr. Williams stated that our tonnage figures are spot on as to what we were planning to bring in this year. Mr. Williams noted that we are right on schedule and also noted that one of our haulers is a little behind, but explained that they have until March 2019 to make up the tonnage.

Mr. Mach stated that he is concerned that as of May 31, 2018, our revenues are not catching up to our expenses. Mr. Williams stated that we would not likely see this change until close to the end of the year. Mr. Williams explained that this is because of the large cost of the prepaid expenses, such as our insurances. Mr. Williams noted that as the months go by the, profit (loss) from operations on page 2 of the financial report, slowly decreases.

Mr. Mach asked if we are currently taking money out of the operations account to cover expenses? Mr. Williams answered, yes.

Mr. Cannon stated that you could see the reasoning for the loss showing on the financial report if you look at the individual line items. Mr. Cannon explained that the line items, showing a higher percentage of expended funds reflect all of the prepaid payments that were required to be made in the beginning of the year. Mr. Williams stated his agreement. Mr. Williams explained, that the way it was done in the past, was that the payments would be made in the beginning of the year, but would be amortized in the general ledger on a monthly basis, to eliminate showing the heavy beginning of the year expenses. Mr. Cannon noted his understanding, and explained that the way we are presenting the financials now, shows that we paid the expenses up front, but does not mean that we are going to exceed the budgeted amount. Mr. Williams agreed.

Mr. Cannon noted that the payment made to Passaic Valley did increase as expected. Mr. Williams agreed and noted that the increase in cost was significant. Mr. Cannon agreed. Mr. Williams stated that we would probably see similar figures this month. Mr. Cannon noted that even with this we have only expended 34% of the budgeted amount for this. Mr. Williams agreed.

Mr. Pryor asked if there were any further questions or comments regarding the financial report?

Mr. Cannon explained that it was difficult to view the entirety of the report on his iPad.

Mr. Cannon asked if any haulers were 60-days past due on payments? Mr. Williams answered, no. Mr. Williams stated that all of the haulers are paid up in accordance with their contracts. Mr. Williams noted that no haulers have been cut off. Mr. Cannon asked if LMR and Stony Brook were both now in good standing with us? Mr. Williams answered, yes.

Mr. Williams stated that a revised Resolution to Pay Bills was sent to the Board via email and noted that it was also distributed today. Mr. Williams stated that payment of bills in the amount of \$567,277.68 needs to be approved.

Mr. Williams called for a motion to approve Revised Resolution R-06-01-18 To Pay Bills in the amount of \$567,277.68.

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 *June 25, 2018*.

*****REVISED*****

RESOLUTION

R-06-01-18

To Pay Bills

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

We hereby certify Resolution to Pay Bills in the amount of **\$567,277.68** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *25th day of June, 2018*.

Crystal Gild
Recording Secretary

James Williams
Director of Operations

Dated: 06/25/18

PERSONNEL

None.

PRESENTATIONS

Mott MacDonald presentation was held earlier in the meeting.

REPORTS

None.

FACILITIES/RECYCLING

Mr. Williams stated that there is nothing to report regarding Treatment Plant Operations.

Mr. Williams stated that we are still waiting for any kind of response from the DEP regarding the Pilot Study with the PRMUA. Mr. Williams stated that as of now, we have heard nothing regarding this.

Mr. Williams stated that everything is going well regarding Landfill Operations. Mr. Williams noted that our waste intake is coming in as expected.

Mr. Williams stated regarding the Landfill Expansion Application, that we did receive the first report from Cornerstone, which has been presented to the Board as Agenda Item A-3 (Cell 7 Design/Construction Document Preparation).

Mr. Williams stated that he has reached out via phone and email to Janis Hottinger, Anthony Fontana and Mary Jo Aiello from the DEP. Mr. Williams stated that he had reached out to them to find out if there were any public comments regarding the expansion application and what those comments were. Mr. Williams stated that it is his understanding that one local individual had made a public comment regarding the expansion application. Mr. Williams stated that he has not received a response from the DEP regarding this as of yet.

Mr. Williams noted that Mr. Dech had also reached out to the DEP to find out about the public comment. Mr. Williams stated that Mr. Dech has not received a response from the DEP either.

Mr. Williams stated that nothing of any substance is expected to come from this, but that we do not know what was said.

Mr. Williams stated that this is the only thing we are waiting on in regards to the application being approved.

Mr. Williams asked the Board if they were satisfied with the format of the update from Cornerstone? Mr. Williams noted that Cornerstone used this format with us previously. Mr. Williams explained that Cornerstone would keep adding on to this form until the project is completed. Mr. Williams stated that Cornerstone would be providing the PCFA with updates every two weeks.

Mr. Cannon stated that he did review the information. Mr. Cannon stated that he feels that the most important thing is that what was promised to us is delivered to us on time. Mr. Cannon noted that he

feels that this is where using Mott MacDonald would be beneficial. Mr. Williams agreed. Mr. Allen agreed as well.

Mr. Williams stated that on page one of A-3, under permit conditions, stated that we should have a Draft Stability Report for the MSE Berm by mid-July. Mr. Williams noted that he did receive the draft H2S Certification Report from Cornerstone late Friday, June 22, 2018. Mr. Williams noted that he provided hard copies of this to both Mr. Pryor and Mr. Mach. Mr. Williams noted that the report is 101 pages long, which is why he did not email it to the Board. Mr. Williams stated that we would mail it out to the rest of the Board for their review. Mr. Williams noted that this is due by August 25, 2018 and stated that we are well on schedule as far as this goes.

Mr. Williams stated that he would give Cornerstone a call regarding the fourth permit condition, which is the QA/QC Plan and request that they get this done sooner, so that we are not waiting until December 18, 2018 to receive and review it.

Mr. Cannon asked Mr. Pryor for his opinion regarding this. Mr. Pryor stated that we had discussed this earlier and that we will need to have this done earlier, especially if we retain Mott MacDonald.

Mr. Pryor stated that he was expecting some sort of matrix on the budget. Mr. Pryor stated that the last page reads, regarding the budget, "A review of the budget, including the amount spent to date vs percent complete, will be conducted and provided to the PCFAWC on a monthly basis, beginning in July". Mr. Pryor stated that he does not understand why they could not provide us with a budget update now. Mr. Cannon stated that he was not going to make a big issue regarding this, if the July report was completely caught up. Mr. Williams stated that he would call Cornerstone regarding this to make sure that a budget update is provided in July's update.

Mr. Williams asked if there were any other questions regarding Agenda Item A-3?

Mr. Williams stated that there is nothing to report regarding the H2S Removal System.

Mr. Williams stated that there is no update regarding the Solar Panel Project.

Mr. Williams stated that there is no update regarding the 2018 Waste Disposal Contract(s).

Mr. Williams stated that there is no update to Agenda Item A-4 (2018 Waste Disposal Fee Schedule).

Mr. Allen asked, regarding the H2S system if we had previously discussed making sure that we have set what we would need to do regarding this when the time comes. Mr. Williams answered, yes. Mr. Williams stated that he had mentioned this last month, but noted that the contractor and media supplier are both on standby and that we have price guarantees from both as well.

Mr. Williams stated that the contractor is here working on the concrete work for the old scale. Mr. Williams stated that the work began last Wednesday and that the contractor expects to be completed by the end of this week and then we would need to stay off it for approximately one week. Mr. Williams stated that both scales should be up and running as normal, within the next week to week and a half.

NEW BUSINESS

None.

GENERAL COUNSEL'S REPORT

None.

OTHER BUSINESS

Mr. Williams stated that he has had discussions with ERI, the vendor who held the electronics collection for us in the spring. Mr. Williams stated that the vendor is willing to hold another event for us in the fall. Mr. Williams stated that the vendor would also like to send us a document for our review, discuss and hopefully approve, regarding establishing a permanent location at our site after the fall event. Mr. Williams stated that ERI is putting something together for us to discuss at the July meeting. Mr. Williams noted that we would send any documents that ERI provides us with to Counsel for their review. Mr. Williams stated that there is no cost for any of this for the PCFA. Mr. Williams stated that once he receives the information he would distribute it to everyone for discussion at next month's meeting.

CLOSING PUBLIC COMMENT

None.

PRESS COMMENTS & QUESTIONS

None.

ADJOURNMENT

Mr. Pryor called for a motion to Adjourn.

With no other business to discuss, **Mr. Mach** motioned to Adjourn, seconded by **Mr. Allen**, at 11:25 am.

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

Respectfully submitted by:
 Crystal Gild
 Recording Secretary

Approved: 07/23/2018