

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

January 27, 2020

Chairman James Cannon called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:31 AM.

Authority Members present: Bud Allen, Alex Lazorisak, James Cannon, Richard Mach and Dan Perez.

Mr. Cannon asked to call the Monday January 27, 2020 PCFA meeting to order, please call the roll.

ROLL CALL:	Mr. Allen	-	Present
	Mr. Lazorisak	-	Present
	Mr. Mach	-	Present
	Mr. Perez	-	Present
	Mr. Cannon	-	Present

Also present: Brian Tipton, General Counsel; James Williams, Director of Operations; Jamie Banghart, Administrative Supervisor and Mariann Cliff, Recording Secretary.

The Pledge of Allegiance was led by Chairman Cannon.

Mr. Cannon read the following statement: “Adequate notice of this meeting of November 18<sup>th</sup> 2020 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 the agenda is subject to change, and then stated that Mr. Williams should save his voice and try to get through his portion quickly.

MINUTES

M-1 Regular monthly meeting minutes – December 16, 2019

Mr. Cannon stated that they had to go over the monthly minutes and asked if anyone had any comments or changes.

Mr. Allen stated that he had nothing. Mr. Cannon stated that he had nothing also, and hearing no others, could he have a motion to approve the regular monthly meeting minutes from December 16, 2019.

**Mr. Mach** made a motion to approve the Regular Monthly Meeting Minutes from December 16, 2019 seconded by **Mr. Perez**.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:     Mr. Allen             - Aye  
                  Mr. Lazorisak       - Aye  
                  Mr. Mach               - Aye  
                  Mr. Perez               - Aye  
                  Mr. Cannon           - Aye

M-2 Executive monthly meeting minutes – December 16, 2019

Mr. Cannon stated that now they had the monthly executive meeting minutes and asked if anyone had any comments or changes.

Mr. Cannon stated that hearing none, could he have a motion to approve the regular monthly meeting minutes from December 16, 2019.

**Mr. Perez** made a motion to approve the Executive Session Minutes from December 16, 2019, seconded by **Mr. Mach**.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:     Mr. Allen             - Aye  
                  Mr. Lazorisak       - Opposed  
                  Mr. Mach               - Aye  
                  Mr. Perez               - Aye  
                  Mr. Cannon           - Aye

#### CORRESPONDENCE

Mr. Cannon stated that he had personally read the letter from Western World once and did not understand it all, and then he read it again and thinks that this should be saved for executive session. Mr. Williams agreed that it should be done in executive.

#### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None

#### PRESENTATIONS

none

## FINANCE

### **A-1**

Mr. Cannon asked Mr. Williams if he did not have anything else would he like to run through the Finance now. Mr. Williams stated that he would.

Mr. Williams stated that the next item was A-1 the finance report.

Mr. Williams stated that the Board should notice that the bills for January are higher than normal. That was because of the meeting was held so early in December and they still had bills for December coming in.

Mr. Cannon asked Mrs. Banghart if the aging report was current. Mrs. Banghart replied that it was as of December 31<sup>st</sup>. Mr. Cannon then asked Mrs. Banghart if there were any outstanding issues or customers in arrears that the Board should be aware of.

Mrs. Banghart stated that they still have the two outstanding NSF checks that followed through to this month from Green office Concepts and the other NSF customer had since come in and paid.

Mr. Cannon asked if the Green Office Concept was the one from California. Mrs. Banghart replied that that was correct, that it was in Mr. Tipton hands now, and that she believes that he had sent a letter to them.

Mr. Tipton stated that this was probably one of those times that it would not be financially advantageous for them to pursue a company that owed them money because they were on the west coast. By the time they put it all together and served them, it would cost more to recoup the money than to take the loss.

Mr. Cannon asked how or why they would take a customer from the west coast to start with. Mr. Williams replied that he believed that they may have done some work removing furniture for one of the Townships, but he was not completely sure, and that is how they ended up here. Mr. Cannon asked what Township would have done that.

Mr. Williams stated that he thought that it was Clinton Township but was not sure, but the township probably had no idea that the company that they hired had not paid their bill. Mr. Cannon stated that they should go back into the tickets and see if they could find out which Township had hired them and let them know what had happened so that they would be aware of it and would not hire them again.

Mr. Lazorisak stated that was a very conscientious thing to do.

Mr. Cannon asked that if there was nothing further could he have a motion to pay the bills for the PCFA January 27, 2020 in the amount of \$971,434.89

On a motion by **Mr. Lazorisak**, seconded by **Mr. Mach**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *January 27, 2020*.

## **RESOLUTION**

**R-01-01-20**

**To Pay Bills – January 27, 2020**

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. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Cannon	-	Yes

We hereby certify Resolution to Pay Bills in the amount of \$871,434.89 to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the 27<sup>th</sup> day of January, 2020.

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Mariann Cliff  
Recording Secretary

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James Williams  
Director of Operations

Approved: January 27, 2020

Mr. Williams stated that the next item was the 2020 Solid Waste Disposal Pricing Schedule, as they could see, there was no change from the previous years as to the residential or Convenience Center pricing. Mr. Williams stated that under the Contract for Solid Waste, all of the contracts would go up \$1.00 per ton for 2020.

Mr. Cannon stated that they had not changed the price for residence for a very long time. It was not their intent to make the residents pay any more. Mr. Williams stated that even the flat rate fees had not gone up in quite a few years.

Mr. Perez asked if the increase was per ton. Mr. Williams replied yes \$1.00 more per ton.

Mr. Cannon asked Mr. Williams if he had a resolution for that. Mr. Williams stated yes resolution R-01-02-20 Authorizing the Proposed 2020 Solid Waste Disposal Pricing Schedule.

Mr. Cannon asked if anyone had any comments or questions, hearing none asked for a motion to approve the Resolution R-01-02-20 Authorizing the Proposed 2020 Solid Waste Disposal Pricing 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 *January 27, 2020*.

**RESOLUTION**  
**R-01-02-20**  
**AUTHORIZING THE PROPOSED**  
**2020 SOLID WASTE DISPOSAL PRICING SCHEDULE**

WHEREAS, the Pollution Control Financing Authority of Warren County has a need to implement disposal rates for the Warren County District Landfill.

NOW THEREFORE, BE IT RESOLVED that the Pollution Control Financing Authority of Warren County after review and discussion approves said 2020 Solid Waste Disposal Pricing Schedule, (attached hereto as A-2).

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	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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Mariann Cliff

## Recording Secretary

Dated: January 27, 2020

### FACILITIES/RECYCLING

Mr. Williams stated that the next item was A-3, which was the Grass Mowing Bid Document.

Mr. Cannon stated that they received a few bids for that one, correct? Mr. Williams replied yes they received three bids, which was a good turn out last time. Mr. Cannon replied that he liked to see that there was some competition.

Mr. Williams stated A-4 was next and that he had spoken to a local Drilling operation and received a lot of good information so he feels that all areas were well covered. Mr. Williams also stated that thanks goes to Mr. Lazorisak also for supplying them with a Water Well Bid Document that the County had used. That Bid document was very thorough and saved the PCFA quite a lot of work.

Mr. Cannon asked if Mr. Williams needed a motion on that. Mr. Williams replied that he did.

Mr. Cannon asked if anyone had any comments or questions, hearing none could he have a motion to approve the contract documents.

Mr. Lazorisak stated that he would make the motion. Mr. Perez stated that he would second the motion.

Mr. Cannon asked to please call the roll, all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

### Landfill Operations

Mr. Williams stated that with the landfill operations there are no issues, everything is going smooth.

### Cell 7 Construction

Mr. Williams stated that they would discuss Cell 7 Construction and the financing in executive session.

Mr. Cannon agreed that it should be done in executive.

Mr. Williams stated that the next item was A-5 the 2020 Holiday Schedule, this needs to be approved before we send it out with our Waste Disposal Contracts. Mr. Cannon replied so this needs a motion.

Mr. Williams replied yes it has to be approved.

Mr. Cannon asked if anyone had any comments or questions, hearing none could he have a motion to approve the 2020 Holiday Schedule.

Mr. Lazorisak stated that he would make the motion.

Mr. Mach stated that he would second the motion.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

Mr. Williams stated that the next items were A-6 the 2020 Waste Disposal Contract(s), A-7 the 2020 Waste Disposal Fee Schedule and A-8 the Draft Letter to Solid Waste Haulers/Disposal Contract Extension.

Mr. Cannon stated that they probably should not increase the pricing or release the letters until after the Sanico suit is finished. Mr. Williams agreed but stated that the contracts were going to expire at the end of February.

Mr. Tipton stated that the PCFA could just let the contracts ride for another month.

Mr. Williams stated that they would lose the increase in money for that month. Mr. Tipton replied that if a contract expires and nothing is renewed, the contract 'as is' could continue for a period of time. Mr. Williams agreed stating that he believed that they have it written into it that they could continue for up to one year.

Mr. Cannon stated that ok they would hold those letters until the business with Sanico is finished.

Mr. Williams stated that the next item A-9 which is the Electronics Recycling Program is continuing well and A-10 our Tire Recycling Program also continues to do well.

Mr. Williams stated that A-11 our Single Stream Recycling Program has been doing so well that the funding for transportation which is paid through the grant needs to be re-evaluated because we have exceeded that budgeted amount. Mr. Williams stated that he would have to reach out to Mr. Dech who is the recycling coordinator. Mr. Williams stated that he would put it on the agenda for February. Mr. Cannon stated that would be great if the Feds could give us more grant money for the increased recycling.

Mr. Williams stated that the next item A-12 is for the Cyber Insurance Coverage Quote and the Board could see that there are two choices option one for \$2,279.00 and option two for \$2,807.00. The first option is insured for: \$500,000.00 and the second is insured for \$1,000,000.00.

Mr. Williams stated that Mr. Daly suggested that they go with the higher option. Mr. Lazorisak agreed that they should take the higher option and asked if they could get their IT support to draft a letter stating that in the event of a cyber-attack what steps would need to be taken to get everything back on track.

A question asked was what the deductible was and Mr. Williams replied that he would find out.

Mr. Williams stated that in the PCFA environment the risk of infection from a ransom cyber-attack is actually very low considering that they only have three email addresses and that is how it usually is infected.

Mr. Lazorisak stated that in the event that something does happen, depending on how much information that you have stored off-site and how much rebuilding of systems you would need to do, the cost could be astronomical, this was not something to be taken lightly.

Mr. Cannon stated that he agrees that we should have something in writing on what steps would need to be followed in the worst-case scenario. Mr. Williams replied that he would speak with Nisivoccia Consulting, who handles our IT and have them put something together.

Mr. Cannon asked if anyone had any comments or questions regarding the cyber insurance, hearing none could he have a motion to approve the Cyber Insurance Coverage.

Mr. Mach stated that he would make the motion.

Mr. Lazorisak stated that he would second the motion.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

## OTHER

### GENERAL COUNSEL'S REPORT

Mr. Cannon asked Mr. Tipton if he had anything for public session. Mr. Tipton replied that he did not.

Mr. Cannon asked if anyone had anything else, then continued that they have nothing left for open session so could he have a motion to go into executive session.

Mr. Allen stated that he would make the motion.

Mr. Mach stated that he would second the motion.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

**\*\*Executive session started at approximately 9:59**

**Executive Session**

On a motion by, **Mr. Lazorisak**, seconded by, **Mr. Perez**, the Board agreed to an Executive Session at approximately 9:59 AM to discuss Contract Negotiations, at the Pollution Control Financing Authority of Warren County at a meeting held on *January 27, 2020*.

**RESOLUTION**

**R-01-04-20**

**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 on January 27, 2020.

Moved By: **Mr. Lazorisak**

Seconded By: **Mr. Perez**

ROLL CALL:	Mr. Allen	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	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  
Mariann Cliff

Dated: January 27, 2020

**\*\*Executive session ended approximately 11:30**

Mr. Cannon asked for a motion to come out of executive session.

Mr. Allen stated that he would make that motion.

Mr. Perez stated that he would second that motion.

Mr. Cannon asked all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

**\*\*Public session started approximately 11:30**

Mr. Cannon stated that they were now in public and while they were in Executive, they had discussed Cornerstone and the plan for Mr. Tipton to send a letter and obtain the signed plans, they had also discussed the Sanico Suit and that we still needed the Topographic survey. Mr. Cannon also stated that they had also talked about the I-Bank and the possibilities of other options. The last topic was to hire two replacement employees to take the place of a longtime employee that was leaving.

Mr. Lazorisak stated that he would like to make a motion for Mr. Cannon and himself to sit down with the Freeholders and discuss a plan for Covanta, and then all of them sit down with Covanta on another day for negotiations.

Mr. Perez asked if they would sit down with the County first. Mr. Lazorisak replied yes.

Mr. Perez stated that he would second the motion.

Mr. Cannon stated that this was a sad state of affairs, that Mr. Allen's time on the PCFA Board was ending. Mr. Cannon stated that he had known Mr. Allen for a long time and he was going to miss him being on the Board in the future. Mr. Cannon stated that Mr. Allen had been an important part of this Board and was a prolific reader who had often brought things to his attention. Mr. Cannon stated that he

relied on Mr. Allen to carefully review piles and piles of documents and papers because the PCFA has to do their due diligence. Mr. Cannon stated that he was disappointed that the Freeholders did not reappoint Mr. Allen to the PCFA, even though Mr. Allen had offered himself as a volunteer to remain on the board.

Mr. Cannon continued saying that Mr. Allen had spent countless number of hours behind the scenes doing research, going with him to meet with the DEP in Trenton and his attention to detail was going to create a void. Especially with the process of the expansion, which Mr. Allen had been a part of from the beginning.

Mr. Cannon stated that no one knows just how many hours they spend and what a thankless job this was. Mr. Cannon himself joined this Board again because he lives here and because of his children and grandchildren, he would like to make this a better place to live. Mr. Cannon stated that before he came back there were no plans for the future and there was bad management here at the PCFA. Now we are looking at the expansion taking care of the next 40 + years. They will use the big haulers to finance the next 10 years, and then the landfill would have very little debt ensuring that the next 30 years it would be for Warren County garbage if it continues to be managed properly. Mr. Cannon continued saying that this is what he has strived for, to get this Authority set up for longevity.

Mr. Cannon also stated that the County has now gotten rid of two good people that had a vast amount of knowledge of the projects at hand, Mr. Pryor and now Mr. Allen.

Mr. Perez asked if the present Board could oppose or not accept the County's decision regarding Mr. Allen. Mr. Cannon replied that it has always been up to the County on who sits on the Board, and who knows, next year his term is up and they may decide that they no longer need him.

Mr. Perez asked if anyone on the Board had been contacted by the County before the decision or consulted about it at all.

Mr. Cannon replied that the County does not ask for their opinion.

Mr. Lazorisak stated that there was no need for anyone to look to him, he was not a Freeholder and does not have anything to do with the Freeholders decisions. Mr. Perez asked Mr. Lazorisak whom they could talk to at the County. Mr. Lazorisak replied that they could talk to their liaison.

Mr. Perez asked who the liaison was and why they never see this liaison here at these meetings. Mr. Perez continued by saying that the only person he sees in the audience continually was Mrs. Banghart, was not this liaison supposed to attend these meetings?

Mr. Allen stated that the old liaison used to be here all the time though that did not seem to help them at the end. Mr. Allen also stated that the new liaison was clearly not doing his job.

Mr. Lazorisak stated that their liaison was Mr. Sarnoski.

Mr. Cannon stated that what he was going to miss most was Mr. Allen's integrity. In everything that Mr. Allen did, he did it with integrity and honesty and those traits are hard to come by. Mr. Allen was dedicated and you could tell this by his many years of volunteering for White Township, County Positions and Boards, their church, and other volunteering for their communities. Mr. Cannon stated that Mr. Allen was always making decisions or basing his input on behalf of Warren County Taxpayers.

Mr. Cannon stated that he believes that the Freeholders made a mistake by not reappointing Bud, and he was afraid that the PCFA would become entrenched in Politics, and that would not serve the Taxpayers of Warren County.

Mr. Williams stated to Mr. Allen that he had known him for many years, they go back even before he was appointed to the PCFA and that he was glad he had the chance to work with him. Mr. Williams also stated that Mr. Allen, even though we were on opposite sides prior to his appointment, cared deeply to ensure the surrounding community and the County were protected. Mr. Williams stated to Mr. Allen that he admired his passion on all the projects we have been through and wished him well.

Closing Public Comments

None

PRESS COMMENTS & QUESTIONS

None

ADJOURNMENT

Mr. Cannon asked if anyone had anything else, then hearing none could he have a motion to adjourn.

Mr. Allen stated that he would make that motion.

Mr. Perez stated that he would second that motion.

Mr. Cannon asked if there were any questions, then hearing none stated all in favor say Aye, or Opposed or Abstain.

ROLL CALL:	Mr. Allen	-	Aye
	Mr. Lazorisak	-	Aye
	Mr. Mach	-	Aye
	Mr. Perez	-	Aye
	Mr. Cannon	-	Aye

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Respectfully submitted by:

Mariann Cliff

Recording Secretary

Approved: