

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

March 23, 2020

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

Authority Members present: Alex Lazorisak, James Cannon, Richard Mach, and Dan Perez (via conference call) and Angelo Accetturo (in person).

Also present: Brian Tipton, General Counsel; Jason Sarnoski, Freeholder Director; Julie Bethke, of SCS Engineers; (all via conference call) James Williams, Director of Operations; Jamie Banghart, Administrative Supervisor and Mariann Cliff, Recording Secretary.

Mr. Williams stated good morning every one, this is Mr. Williams, Mrs. Banghart, Mrs. Cliff, and Mr. Accetturo here.

Everyone answered with good morning and Mr. Accetturo stated that they would start. Mr. Williams stated that they had three members so they were good.

Mr. Sarnoski stated that Mr. Lazorisak was on a County call for Covid-19, he might be able to join us after that call.

Mr. Williams replied yes Mr. Lazorisak did call him earlier with the same news. Mr. Williams stated that Mrs. Cliff was going to take roll call and if everyone could state their name when they speak that would greatly help her to identify their voices over the phone.

Please call the roll.

ROLL CALL:	Mr. Cannon	-	Present
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Present
	Mr. Perez	-	Present
	Mr. Accetturo	-	Present

Mr. Accetturo read the following statement: "Adequate notice of this meeting of March 23<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".

## MINUTES

Mr. Accetturo stated that they would start with M-1 the regular monthly meeting minutes from February 24, 2020 is there a motion on the minutes?

**Mr. Accetturo** made a motion to approve the Regular Monthly Meeting Minutes from November 18, 2020 as Amended, seconded by **Mr. Mach**.

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

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Lazorisak introduced himself then stated to the Chairman that he just connected into the call.

Mr. Accetturo stated M-2 the executive monthly meeting minutes from February 24, 2020 is there a motion on the minutes?

Mr. Accetturo stated that he would make a motion to approve the Executive Session Minutes from February 24, 2020, then asked if there was a second.

Mr. Perez stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Oppose
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

## CORRESPONDENCE

Mr. Williams asked if everybody had the revised agenda. All replied that they had it.

The first few items under correspondence these are C-1 and C-2 and C-3 these are letters from the attorney who represents Direct Waste. Just so everybody knows regarding Direct Waste, we have been in communication with Mr. Tipton about this, even just recently on a past due invoice from Direct Waste they submitted another bounced check so we have asked them to give us a bank check which they just dropped off last week. So far it has not come back, but as of right now Direct Waste is not bringing any

waste into this facility by any payment means whatsoever so they are not even coming in. That is the update regarding Direct Waste.

Mr. Mach stated that they know his feelings on this; he has made it clear in emails. They are not what he would call a good customer and he thinks they should be a gate customer only and they would have to bring cash. Mr. Williams replied that he did see that in Mr. Mach's email.

Mr. Lazorisak stated that he concurs with Mr. Mach and again if they do not respond accordingly then we cancel the contract. Mr. Williams replied that they no longer have a contract, but they do still have some outstanding invoices in the amount of \$30,000.00 which is not late as of now. They are still making payments on their old expired contract but that does not mean that any future checks to pay off the balance will not bounce. They will deal with that if it happens.

Mr. Mach stated that on the subject of a contract they should not be a contract customer any longer. Mr. Williams stated that he would agree with Mr. Mach a hundred percent, they do not have one.

Mr. Accetturo asked if there was any opposition out there pertaining to what Mr. Mach spoke of, he agrees with Mr. Mach. Mr. Perez replied no.

Mr. Mach state that just for clarity was Mr. Perez stating no, that he did not agree or no, they should not be a customer.

Mr. Perez replied no they should not be a customer.

Mr. Williams stated ok we will keep going the way we are and will keep everybody informed, Mr. Tipton has been very helpful talking with their attorney when issues like this come up.

Mr. Williams stated that the next correspondence was C-4 this was a letter from the IBank that they had been waiting months to finally receive. Between himself and Mr. Draikiwicz they did have a response prepared which was all part of the revised agenda packet that was in all of your emails. Two things that they would need to do when they get to them are: they would need to pass a resolution and also pass a petition to the Stated of New Jersey. According to the IBank as everyone has probably seen, before they would move any further regarding our loan application this petition needed to be sent to the NJDEP basically asking to borrow 13 million dollars and the DEP has to approve it before the IBank would move any further with reviewing our application. This is another hurdle that they need to go through so Mr. Draikiwicz prepared a petition that was emailed to everyone so that would be ready today providing that the Board approves it.

Mr. Cannon stated that he had a question considering the current state of events with the IBank issues. Was this prepared before they started with this corona virus? He is concerned that the IBank has not been as much of a help as a hindrance and he does not know whether the possibility exists that the governor or the State may try to use those funds somewhere more important. He is hoping that they have a good backup plan because what the IBank has demonstrated up until now eight months later saying that we now have to get an application etc. he has at this point no faith in the IBank. He would not be surprised if there were some sort of emergency declaration and he does not know how much money the IBank has available to it. Mr. Cannon stated that he could see a determination being made certainly not yet but perhaps those moneys need to be re-directed to and unimaginable list of things due to this virus.

Mr. Cannon continued that it is beginning to feel like a shell game with the application, which we never heard of 7 or 8 months ago. It may be just a way to delay us, so he thinks they should be looking at alternate plans at this point.

Mr. Mach state that he agreed with Mr. Cannon wholeheartedly.

Mr. Williams stated that he agreed with Mr. Cannon also and that Mr. Cannon has been involved with this as long as Mr. Williams had been. He also believes that this is another stall tactic on behalf of the

IBank group. He does not think that they are going to get any money from them, he is still hopeful that they do, but, he was just communicating with the DEP again last Friday and the backup plan right now is to try to get use of the closure funds. The DEP is going to be having a meeting this week to discuss that and hopefully we have an answer by the end of this week or early next week.

Mr. Cannon stated if that is not fruitful he would suggest, and he does not want to get ahead of themselves with the agenda but he thinks maybe they have MacDonald start putting in a scaled back possibility of what we could self-finance for ourselves until we get over whatever is going to happen.

Find out what can be cut and find out how much we can self-finance because it may come to that. If the DEP will not allow us to use our closure funds then we are sort of high and dry. Mr. Cannon stated that he would think, maybe they go with a 10 million dollar expansion, or a 12 million dollar expansion or a 9 million dollar expansion and of course find some way to do that, it may cost more money in the long run but this is uncharted territory. The more months that they burn here they could be in real trouble.

Mr. Perez stated that he had questions, do we have enough money to cover this if it comes to that? Also what does that do to us as far as using our own money regarding other ventures that we may have.

Mr. Williams stated that the answer to Mr. Perez's first question is unless they look at another scaled back version – we currently have about somewhere between 12 and 14 million in hard cash. Of course we cannot expend all of our money, we still need to keep reserve funds available. In his opinion it would leave them possibly 10 million of their own to use, so when they originally did this with Mott MacDonald they actually asked for a cell 7A full blown 14 ½ acre cell and then a scaled back cell which would be 7B so they do have that option.

Mr. Williams continued that now their cell 7B proposal or estimated construction cost estimate was about 12 or 13 million.

Mr. Cannon stated that he thinks it was 12 million and that was with a little bit more of the future infrastructure, that might be able to be pulled back. Maybe if they took some of that out of the scaled back plan that 10 million would be a number that we could do if we had to, but then the IBank came along and that was going to be the best thing since sliced bread so we put that on the back burner.

Mr. Cannon stated that he thinks unless they get some surprise decision from the DEP this needs to come back in focus and he thinks we need to also lock down expenses such as the wall expense. Now he does not want to get ahead of himself but Mr. Williams and he never anticipated that kind of expense to repair a wall like that. To his knowledge the blocks have been shifting in that wall a long time and he is not so sure that spending upwards of a quarter of a million dollars on a wall in the landfill parking lot in a landfill that frankly may close, whether it be permanent or temporary. He does not think they need a beautiful million-dollar wall right now. If they have an emergency there, and they have to fix it, so-be-it.

Mr. Cannon stated that if they have to self-finance themselves and we have a half a million dollars a month going out in bills he thinks that they need to start locking down every penny that they can and any extra costs probably should be shut down for now.

Mr. Lazorisak stated that he agrees with all of them and he agrees with that comment, personally he thinks that until this epidemic/pandemic is over his position is that he does not think that they should move forward with any movement. Whether it is filing with the IBank or moving forward on capital projects, he thinks that they should go into a defensive position until next month. Mr. Lazorisak stated that from what he is hearing on the State level, this is going to be very impacting throughout the entire state to everyone's operation. He thinks that at this point he thinks that they should get into a defensive position. Pay their daily operating costs to keep this facility up and running. Keep everybody healthy and let see where this all falls in another month or two. That is his position.

Mr. Sarnoski stated that he is sorry to interject but wanted to give them a perspective from the Freeholders on this issue. They did get the information about the IBank, if there was any consideration from the IBank about the Freeholder Board backing the loans prior to allowing the notes to be distributed, the Freeholders are not of the idea that they would back the loans. They do have voter approve bonding resolutions still so they would have to go out to the public for that but at this time the Freeholders are not prepared to back any loans if that is the requirement of the IBank.

Mr. Sarnoski stated and secondly he just wanted to say considering covid-19 issues that we are going through, Mr. Lazorisak is doing a great job on the County level. He does agree with Mr. Lazorisak that they need to put a pause on everything and really get through this situation we are in, before we consider what the next steps are with regards to the expansion.

Mr. Cannon stated that he agrees with Mr. Lazorisak and Mr. Sarnoski but the only thing that he would add is that they should refresh the initial scale down version with MacDonald. Then hopefully at a minimal cost, if any, have them bring that back up since we now have a month or more and let them work on it and maybe come back to us and say: 'you guys can do this for 9 million dollars if we eliminate this or that'.

Mr. Cannon stated let them do the paperwork as to the possibilities. Mr. Cannon stated that he thinks they should at least have that done.

Mr. Lazorisak stated that yes that is not a bad idea he thinks that Mr. Cannon is right, they need to look at plan B. It would be a good opportunity now with things slowing down, let them take a look at it, then might be useful information for us in a month, and they should have more direction from the state.

Mr. Lazorisak stated that even with the DEP and the IBank, the State is going to be shutting down and they are going to be pulling personnel out trying to have everyone work remotely. Then again, you know how the DEP operates as a gang, so honestly he does not think that much is going to happen on the State level for the month or so. He thinks that they should just shut it down on the expansion for a little while.

Mr. Perez stated that he had a question, what are we doing with our employees as far as the covid-19 virus? Are we sending anyone home, are we keeping them working?

Mr. Williams stated that they operate on a skeleton crew as it is so what we have instructed all of the employees at the staff meetings we have been doing reminder text messages to remind everyone to stay 6 ft. away from each other. We are sitting in this conference room literally more than 6 ft. away from each other. We are not letting any of the general public come into this building.

Mr. Williams stated that he has instructed personnel to wear their gloves, use hand sanitizer. Really is common sense stuff that we should already be doing. Mr. Williams stated that unfortunately the garbage industry seems to be the forgotten industry of essential employees that are still needed to be out there. It is not talked about at all and we are even running out of supplies such as hand sanitizers and masks and stuff like that. We cannot even get them, he understands the supermarkets and such need to stay open, but so do we.

Mr. Cannon stated that he had it on his list for executive session for some ideas as far as reduction in hours. He thinks Mr. Lazorisak is right things are going to be shut down even more. Including the waste stream and maybe at some point they should discuss in executive session as far as reduce hours or reduce amount of days open that also then would reduce the amount of exposure for the employee.

Mr. Cannon stated that he had discussed it with Mr. Williams that during construction there may be a time when they could not take in waste. He thinks the natural inclination is that the waste is going to go down with all of the restaurants closing etc. that maybe we need to look at a different schedule. This would help the employees by reducing their exposure and also help the budget of the PCFA without harming any of the employees. He thinks that this is something that should be looked at.

Mr. Lazorisak stated that he agrees but would like to address this topic in executive session. He also had some information on a County level that he would like to share with the PCFA about a plan to move forward.

Mr. Accetturo stated let us get back to the IBank subject, are we going to submit or not. Mr. Williams replied that the petition we have here is going to the State of NJ to the DEP not the IBank. He does not think it hurts anything to submit it. There is no cost attached, then it is done.

Mr. Cannon stated that he had no problem sending it in, you may not get a response, but if this is the hoop that they want us to jump through this month so-be-it and if anything happens from that a month or two from now they can discuss it then. He is starting to think that a scaled down version is going to be their best bet for a future at this point.

Mr. Williams replied ok.

Mr. Lazorisak stated that he would make a motion to send the petition down to the DEP.

Mr. Cannon stated that he would second that motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Accetturo stated that he did not really get too involved with that conversation but one thing to add is we have to look out for the giant stimulus bill that is going through the federal government. It looks like they really want to spread trillions of dollars throughout the Country so maybe the next thing might involve public projects, we may get lucky there. It may be a silver lining in all of this for us.

Mr. Accetturo stated we are on C-5 Mr. Williams.

Mr. Williams stated yes C-5 is just another letter from Direct Waste's attorney.

#### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

Mr. Accetturo asked if there were any public comments.

#### FINANCE

##### **A-1**

Mr. Williams stated that the next item A-1 was the finance report, and it had nothing unusual or out of the ordinary. Then asked Mrs. Banghart if she had anything. Mrs. Banghart stated that there was one item that she needed approval for.

Mr. Williams stated that they did have the one bounced check that has been sitting on the books for several months, this was from an outfit out of California, it was 3 checks and Mr. Tipton has been working with them on the legal end, but they are getting no response, he then asked what page it was on. Mrs. Banghart stated that it was on page 21.

Mr. Williams stated that you will find it on page 21 of the Finance report, they are not getting anywhere and we are spending money in legal fees. Mr. Cannon asked what monies were being spent. Mr. Williams replied for Mr. Tipton sending letters and filing with the courts. Mr. Cannon asked if they were the San Diego guys. Mr. Williams replied yes. Mr. Cannon stated that it was for a small amount right Mrs. Banghart?

Mrs. Banghart replied that it was for \$1,796.85. Mr. Cannon stated that he thought that they were not going to spend any money looking for that money to come back. Mr. Williams stated that they had Mr. Tipton send a couple of letters, so it is not a huge amount of money, he thinks it may have been an hours' worth of time.

Mr. Tipton stated that they did not file anything it was just a letter that was sent and he had advised Mr. Williams that it was not worth the money to chase it.

Mr. Williams replied that was correct and if the Board is in agreement, they would need to pass a motion to write off these checks and that way we could clear them out of the system. If the Board agrees.

Mr. Williams stated that there were 3 of those and there was another one for \$59.59.

Mr. Cannon asked if this was a year-end thing? You need this to clear out the year?

Mr. Williams stated yes these were all carried over from last year. Mr. Cannon stated that he thinks that they want to make sure that they do not turn into ABC company from San Diego and we continue to take business from them. Sort of what Direct Waste did for a little while?

Mr. Cannon stated that he had no problem if they wanted to write it off.

Mr. Williams asked if they could do a motion.

Mr. Cannon stated that he would make a motion that the amounts of the San Diego company and the other one that bounced checks last year be taken off of the books.

Mr. Williams stated that it would be in the amount of \$1856.44.

Mr. Accetturo stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Williams stated that having said that there was really nothing more regarding the financial reports except the resolution to pay bills before us in the amount of \$530,471.61.

Mr. Accetturo asked if there was a motion on the bills.  
Mr. Mach stated he would make the motion.  
Mr. Lazorisak stated he would second the motion.

On a motion by *Mr. Mach*, seconded by *Mr. Lazorisak*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *March 23, 2020*.

**R E S O L U T I O N**  
**R-12-02-19**  
**To Pay Bills – March 23, 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. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

We hereby certify Resolution to Pay Bills in the amount of **\$530,471.61** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *23rd day* of March, *2020*.

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Mariann Cliff  
Recording Secretary

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James Williams  
Director of Operations

Approved: March 23, 2020

Mr. Williams stated that the next item is..

Mr. Lazorisak interjected, excuse me, Mr. Chairman he apologized but he only had about 15 minutes left and he had to prepare for another conference call to the Governor's office, is there any way they could jump into executive session while he is still available?

Mr. Accetturo replied yes sure.

Mr. Cannon stated that he would make a motion to go into executive session.

Mr. Mach stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

***\*\*Executive session started at approximately 9:58***

Mr. Sarnoski stated that he would be signing off and thanked everybody.

***\*\*Mr. Sarnoski left the conference call at approximately 10:01***

Mr. Williams asked if Mrs. Bethke was on the call. Mrs. Bethke answered sorry but yes she was on the line.

Mr. Lazorisak asked if they knew that they had a secure line to move forward in executive session?

Mr. Williams replied yes the only other person that was included on the phone was Mrs. Bethke.

Mr. Cannon asked if Mrs. Bethke understood that she would have to call back in at a later time.

Mrs. Bethke replied yes she understood and if Mr. Williams could give her a time she would be glad to do so.

Mr. Williams asked her to call back in at 10:30am.

***\*\*Mrs. Bethke left the conference at 10:02***

***\*\*Executive session began again at approximately 10:03***

## **Executive Session**

On a motion by, **Mr. Cannon**, seconded by, **Mr. Mach**, the Board agreed to an Executive Session at approximately 10:03 AM to discuss Contract Negotiations, at the Pollution Control Financing Authority of Warren County at a meeting held on *March 23, 2020*.

## RESOLUTION

**R-12-10-19**

### 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 March 23, 2020.

Moved By: **Mr. Cannon**

Seconded By: **Mr. Mach**

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	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: March 23, 2020

**\*\*Executive session ended approximately 10:20 am**

**\*\*Public session started approximately 10:21 am**

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

Mr. Lazorisak stated so moved.

Mr. Mach stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Accetturo asked Mr. Lazorisak if he had a motion prepared for what was just discussed.

Mr. Lazorisak replied that he did. Mr. Accetturo stated go ahead.

Mr. Lazorisak stated that he would like to make a motion due to the coronavirus pandemic from the executive orders from Governor Murphy, he would like to give Mr. Williams the authority to run the day-to-day operations of the PCFA to include paying all bills on a daily basis. To create a reduced work plan to move forward, permission to continue and pay personnel and any other decision that would be needed to be made on a day-to-day basis for operations to continue.

Mr. Perez seconded the motion

Mr. Accetturo asked for roll

Mr. Mach stated that he had a discussion point. he stated that Mr. Lazorisak's motion said to continue to pay employees, can you clarify that and add at current full salary.

Mr. Lazorisak replied that is correct, regular salary based upon a revise work schedule that he would implement. If someone is sitting home, they are getting paid.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Lazorisak stated that he had to leave the conference, and said to Mr. Williams, anything that comes down from the Governor's office he will certainly email to him and keep him in the loop as well.

Mr. Williams stated that he appreciated it, thank you.

Mr. Lazorisak stated stay healthy everyone.

Mr. Williams stated that if they had any extra sanitizer they could use some. Mr. Lazorisak replied that they had a hard time trying to obtain those items also. They have reached out to local businesses and if there were any extra to be had, they would certainly help them out. Currently everything that they get is going to the health industry, the hospitals are going to be impacted greatly. That will be the real issue moving forward.

Mr. Williams stated that it was certainly appreciated.

***\*\*Mr. Lazorisak left the conference call at 10:26 am***

Mr. Williams stated that they would go back to the Finances, they were up to A-11 our 4 million dollar CD comes up for renewal on March 28<sup>th</sup>, he has reached out to four banks Unity, Lakeland, PNC and Providence. Right now we are getting a 2.52% interest rate. The highest interest rate we could achieve right now through unity who is currently holding our CD is a 0.65% for a 9 month CD.

Mr. Cannon stated that his opinion is that they do not do a CD right now. These rates are ridiculous we need to be more liquid, he is also concerned about locking it up for 9 months. If we are able to get a shovel in the ground somehow this year he would hate to have restrictions on any more money. In addition, to only get a 0.65%. Mr. Cannon continued that with everything that is going on he would not want to restrict any money. Right now it is in a CD if it comes out of a CD he is assuming that it goes into one of our other accounts.

Mr. Williams stated that it would go into a money market account which is much lower than .65%. Mr. Cannon asked much lower being what? Mrs. Banghart stated that she was not sure what it was right then but she could find out. Mr. Williams stated that Mrs. Banghart was going to go down and look really quick, but right now in actual cash we have 3.3 million.

Mr. Mach asked what is the penalty on pulling the money out early like your talking about on CD for lets say Unity.

Mr. Williams stated that he has not looked into it, he does know that there is a penalty involved but he does not know what it is.

Mr. Mach stated that he would be inclined to go ahead with it as long as we can pull it out as soon as we need it.

Mr. Cannon stated that they would pay a penalty. Mr. Mach replied then pay the penalty.

Mr. Williams stated that the interest rate on the money market is .55%.

Mr. Mach and Mr. Cannon stated that it was only .10 less.

Mr. Williams stated then let it go into a money market. Mr. Cannon and Mr. Mach replied let it go into the money market then it is not restricted.

Mr. Accetturo stated that it is so slim, it is not much of a difference.

Mr. Cannon stated that he would make a motion that we let the amount for the current CD coming up, to let it roll over into a money market.

Mr. Mach stated that he would second that motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Williams asked if Mrs. Bethke was back.

No answer

Mr. Accetturo replied go thru the rest of the items.

Mr. Williams stated that it sounded like there was a consensus that we are going to hold off on the retaining wall for the time being.

Mr. Cannon stated that he did not think that we should be spending that kind of money right now. He never thought that it would be that much to begin with but we should hold off on all of that kind of stuff for now. There is also no telling what the DEP would want to do they may want some escrow if we are able to do IBank. Then there is paying employees when there may be reduction in the intake of waste. Mr. Cannon continued that he just thinks that it would be irresponsible to be spending a quarter of a million dollars on a retaining wall.

Mr. Mach stated that he agrees with Mr. Cannon wholeheartedly.

Mr. Accetturo replied that he agreed also.

Mrs. Bethke stated that she was on the line now was it a good time to join? Mr. Williams stated yes it was just fine.

Mr. Williams stated that ok they would hold off on the retaining wall for the time being.

## PRESENTATIONS

Mr. Williams stated that since Mrs. Bethke just joined us lets go back to her proposal regarding the air permit, Mrs. Bethke could you give a couple minute overview on your proposal and purpose behind it.

Mrs. Bethke replied yes sure thing. There are three things that we expect to be due with your Title V air permit very soon. The proposal that they outlined is three tasks and Mrs. Bethke stated that she would go through them quickly.

The first one is your Title V renewal permit, you renew your permit every five years. You need to submit the application a minimum of 12 months in advance, but the DEP likes it 15 months in advance because they need to issue a letter back to you, saying that your application is administratively complete before your 12-month deadline. We are looking to having that done by the end of April. April 31<sup>st</sup> would be exactly 15 months before your application is due. With a Title V application, the purpose of it is to renew the permit so you can add any insignificant sources that the landfill has added and the DEP would agree to review it and add any new requirements based on new regulations or existing that applied to your landfill since the last renewal. For this task they decided to break it up into 2 sub-tasks the first is to prepare the application. The application is a fixed effort so they have a fixed fee for that, they know what has to be done to put the application together and what the effort will require.

Mrs. Bethke stated that the second half of that is going to be the renewal review when the DEP issues the pre-draft permit. They go through the whole permit to see what has been changed and then they get into the negotiations with the DEP, at times, they add what we would consider unreasonable requirements. Things that they have added elsewhere in NJ they sometimes try to 'blanket apply' to everyone. Those things, we go through very carefully.

The second task is significant modification to your permit. During that task and the previous one DEP has issued a notice saying that you need to revise your permit because there is some language in there that talks about a normal flow permit for your flare. We typically do not see unusual language like that in permits. It suggests that your flare runs at a certain level all the time, which turns out is not true, the reason that it became a problem is because when the flow was being tested the DEP wanted to see the flow running at a certain flow, which it cannot do at this moment. The flow also functions as a permit-limit so it is not language we like to see in it anyway, because it does not ever allow you to exceed that limit. Between that and some other inconsistencies in the permit that suggests that you have taken a lower limit for emissions for some of your equipment that we do not typically see in permits.

Mr. Cannon stated he knows that this came up with DEP maybe a year or two ago from his recollection now they do not even get anywhere near our maximum permitted on that correct?

Mr. Williams replied that is correct.

Mr. Cannon stated that we do not even foresee a time that we would be near it. The DEP was requiring them to either lower that number or test at that maximum number, which is something we cannot do. Correct?

Mrs. Bethke stated that is exactly right, both of the flares that you have at the landfill the total flow that they could handle is 22 standard cubic feet per minute. Typically, when permit a piece of equipment like that you permit it at the maximum flow. Curiously, in your permit it has for your enclosed flare the total flow it can handle is 2200, for some reason the permit includes a limit of 1034 but it also includes a requirement that your normal flow is 1034. Mrs. Bethke stated that she has never seen the wording as normal flow in anybody else's permit.

Mr. Cannon stated that he wanted to give her the background; they knew it was a mistake done on the permit; they had a bit of an argument with the DEP in Trenton. It was a case of the wording was a mistake then asked Mr. Williams if that was correct? The amount should not have been in the permit, because they actually could take in twice that much, that number was our limit the 2200 right?

Mr. Williams replied right.

Mr. Cannon stated that he thinks the DEP messed them up from day 1 with that wording. Mr. Cannon stated that he did not think it was a big issue because it was an error in the original permit and the DEP even did not acknowledge that it was a big issue. He thinks that you want to keep the 2200 because they may need it one day.

Mrs. Bethke replied that makes sense, it is atypical to see it done this way and the only time that we do see it is if the decision was made to have the landfill take a lower limit because you were trying to control your overall emissions for some reason. Mrs. Bethke stated that she does not know why it was done but their goal would be to get 1034 taken out of the permit completely. They also will track back to see if they could find out why it was included. The two flares both can handle 2200 SCFM. The enclosed flare has a flow that is written as a limit and it talks about the max flow you can have which is based on that, potentially 1034 running 24 hours a day. The candle flare also includes 1034 in some capacity but it is showing the maximum flow is 2200 running 24/7. There are some inconsistencies in there and they would like to handle them all at the same time. It will make less ambiguity when the inspector comes and things of that nature. That task would be billed by time and material so it is just the time it takes us to do the application and the review.

Mrs. Bethke stated that task three they are putting in as optional because as you are aware once you start constructing your expansion, you would transition from one NSPS regulation into another. We are going to want to see the new regulations put in your permit and it is just a question of timing.

Mrs. Bethke stated that the good news is that to explain NSPS briefly once your landfill hits a certain designed capacity and you have a certain level emissions then you are subject to that rule. Then they continue to monitor your emissions as they rise, once you hit a certain threshold of emissions then all of the appropriations in that role apply. Mrs. Bethke continued that where the PCFA is they are subject to NSPS WWW and that is just in the first tier. You are subject to the rule but not all of the provisions apply to you yet.

Mr. Cannon stated that he would like to interrupt again taking into consideration the expansion we are not sure that we will get to XXX at this point.

Mrs. Bethke asked if he meant whether you expand or not?

Mr. Cannon replied it will depend on how much we are able to expand at this point, we may be doing a smaller piece of that original plan and it may be later than we were anticipating.

Mrs. Bethke stated that she understood.

Mr. Perez asked does this have anything to do with any asbestos? Mr. Williams replied no it does not.

Mr. Cannon stated that from what he is looking at task 1 and task 1b need to be done. Task 2 and task 3 we are going to find out depending upon what we are able to expand.

Mrs. Bethke stated that is correct that task 1A and B need to be done. Task 2 is not dependent on your expansion it is just the wording that we have to correct it should not be saying normal flow for any reason. That definitely needs to be taken out and deal with the interim limit of 1034.

Mr. Cannon interjected with he just wanted to say we would never approach the 2200 even with the full expansion. At times one section would go down a bit and one section would increase but we would never actually get up near that maximum permit is.

Mr. Williams replied well, never say never, the only way that we could ever get there which is possible if we start taking in a lot of ID-10 waste. Right now, the majority of our waste is bulky waste, it is always a possibility that 10 years from now we may get there, but that would be during another permitting process. Since these permits go every five years, so within the next five years no we would not get there.

Mrs. Bethke stated this part of the activity is not to raise 2200 it is just to deal with the 1034. Mr. Williams replied right.

Mr. Cannon stated that he understands and he does not want to make everyone hang around here all day but he is concerned about getting into triple X with the DEP at this point that is all he is trying to say.

Mrs. Bethke replied that to explain, based on the size of your landfill, and what your emissions are today, as soon as you build any size expansion, you are going to get into triple X. The good thing between triple W and triple X is that the whole provisions apply at different limits. The reason why you should not be too concerned about it, is that your landfill emissions, where you are now, if your emissions were raised even slightly you would be in the full provisions of triple W.

Mrs. Bethke stated that once you put the shovel in the ground for whatever size expansion you have in mind, you are going to be in triple X. This is not going to be a concern for you for quite a while because at the moment you have a projection of your emissions out to the year 2022 and that is only 22mg so you have a while before the full provisions of triple X would kick in for you.

Mr. Cannon stated that those were all pre-expansion numbers.

Mrs. Bethke stated that in 2022 they would need to do another test to estimate the next five years of emissions and they still do not expect that we would be at 34 so the full provisions are not going to apply for a long time. Getting you into the triple X program, it is going to happen and there is no down side. The only thing that is going to happen with the permit would be to transition from one set of rules to the other. You have all of the triple W rules in your permit now, the vast majority do not apply yet.

Mr. Cannon stated if he recalled the concern was that if you went with triple X it could have a whole other layer of regulations but if you wait until you put the shovel in the ground then get the triple X it is pretty difficult to backtrack to add more layers. The thinking was at the last meeting with the DEP that we should not get into the triple X until we put the shovel in the ground.

Mr. Cannon asked Mr. Williams if that is what he remembered. Mr. Williams replied that he was not at that meeting. Mr. Williams stated that it may have Scott Miller from Cornerstone.

Mrs. Bethke asked if they could explain that again to her.

Mr. Cannon stated that he recalled that we could be fully approved to build the landfill, and then when you actually start the construction, that would be the time you move into the triple X.

Mr. Cannon stated that he believes that Mr. Miller had stated once you open up that can of worms ahead of time even though it is not supposed to be any different. They could attach different regulations.

Mrs. Bethke replied that Mr. Cannon was correct in that assumption the optional task 3 is just outlining the activity. You would not want to go into triple X until you put the shovel in the ground and the reason it is included in the proposal this way is, that they would try for this not to be an extra cost to you whenever it happens. We do not know when the expansion is going to happen. They would try to get the DEP to include these after you expand but during a different review, but they are not charging for the third time to modify the permit.

Mrs. Bethke asked if anyone else had any questions. Mr. Williams asked if everyone was good. Mr. Perez and Mr. Mach replied yes.

Mr. Williams told Mrs. Bethke thank you. Mrs. Bethke replied that she was going to sign off and told everyone to have a wonderful day. Mr. Cannon replied thank you for your time.

Mr. Cannon stated that he would make a motion to award a non-fair and open contract for professional services R-03-02-20 to SCS Engineers as described in their March 12, 2020 letter.

Mr. Accetturo asked if there was a second, then stated that he would second it, then asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Williams stated just an FYI for everybody we actually received a proposal from Cornerstone to do this a year ago and their price to do the same work was \$41,000.00.

Mr. Williams stated that the next item they had was A-4, which was the grass mowing, it went out for bid as we know. Proposals came back, there was a recommendation from Counsel after their review that we could award the contract to ACE Landscape contractors that came in with the low bid of \$30,657.00 for the year 2020 and also for the year 2021. There is a resolution R-03-03-20 before everyone.

Mr. Cannon asked Mr. Williams if he had used them before. Mr. Williams replied that they had been doing it for years, same company.

Mr. Cannon stated that it was remarkable how close it was to the second bidders it was just a couple of dollars. Mr. Williams replied that it had happened that way two years ago also.

Mr. Accetturo asked if there was any other discussion, then asked if there was a motion.

Mr. Mach stated that he would make the motion to award the contract for grounds maintenance.

Mr. Williams stated that it was approving the resolution R-03-03-20. Mr. Mach replied yes.

Mr. Accetturo asked if there was a second.

Mr. Perez stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:     Mr. Cannon           -     Yes  
                  Mr. Lazorisak       -     Absent  
                  Mr. Mach               -     Yes  
                  Mr. Perez               -     Yes  
                  Mr. Accetturo         -     Yes

Mr. Williams stated that the next item was A-5 they had gone out for bid for drilling a well, after review, they had received one bid from Colaluca Well and Pump after review by Counsel and as you see in A-5 they did not have their contractor registration in so it was rejected. We would need authorization from the Board to put this back out to bid again. We do have another list of Well companies that are available and his understand is that Colaluca has registered now, so he would be allowed to bid again. If there is no objection Mr. Williams would like to put this out for bid again.

Mr. Cannon asked Mr. Williams if he had said that there were nine packages picked up. Mr. Williams stated yes, but no one else bid, some of these packages are from reporting agencies. Mr. Cannon stated that that was a high number of packages for just one bid back.

Mr. Williams replied that three of them were well drillers but they did not submit bids.

Mr. Cannon stated that they did not disqualify anyone, they just did not get them. Mr. Williams replied correct.

Mr. Williams stated that what he would like to do this time to get the process going faster, instead of putting the bid out for 30 days, he would like to just put it out for 10 days. To get this put in place if there is no objection.

Mr. Mach stated that he had no objections to the 10-days but asked, are you expecting people to pick up the bid package?

Mr. Williams stated that they could physically come in and pick it up, there is a public notice that they put out there that goes out in a newspaper, and on our website. They can pick it up in person or they can send us an email and we could scan it in and send it to them directly.

Mr. Perez asked if 10 days would be enough. Mr. Williams stated that he thinks it would be more than adequate. Mr. Perez stated ok.

Mr. Mach stated that he is a little perplexed by this, they sent out a number of packages and only one responded. Mr. Mach stated that he sent Mr. Williams a list of Well Drilling Companies that were from Warren County, one of them was Stothoff & Son who drilled a well out on their property when they needed drinking water. He is just surprised that they did not respond.

Mr. Williams stated that they advertise in the newspaper and if Mr. Mach wants him to, he could give them a heads up. Mr. Mach asked what newspaper it was advertised in. Mr. Williams replied the express times.

Mr. Cannon asked if there was a chance that they could put something in the bid docs that made it too narrow for some of these companies to bid? Even the one that did bid did not have the qualifications. Is there something in this one that they added from the County or narrowed it for everybody so they could not put a bid on it?

Mr. Accetturo stated that he does not believe so but the only way we would know from kind of a technical responsiveness situation would be if someone called up Mr. Williams and said that they could not do this because of X why did you put this in there, we did not get any of those responses to

his knowledge. The company Colaluce who failed it was a business registration issue which is standard stuff that he should have had to bid on public stuff. What would knock him out had nothing to do with the scope of the work.

Mr. Cannon asked do we need a Well? We talked about capping expenditures.

Mr. Williams stated that Covanta could cut us off at any time, and he thinks that they have talked about this at length for a couple of months in a row. They are using a Covanta well that they could very well be cut off at any point.

Mr. Cannon stated that he was wondering if the 10 days was a good idea is what he meant with that, not that we did not need the well. Perhaps we do not need it as quickly as possible we should not limit the amount of time to get some other bids.

Mr. Williams replied that the bid was out for longer than 30 days and this was what they got, it was just a suggestion to go to 10 days.

Mr. Cannon stated that he would go along with what everyone else thinks.

Mr. Mach asked is it against the rules to send a bid request? Mr. Tipton stated that it was not against the rules to send out a bid. The minimum requirement is to send it to the various publications, but you could absolutely help expand that by direct emailing to those whom you think may be interested.

Mr. Williams stated that they could do that.

Mr. Mach stated that he would like to see that done, he does not understand the Stothoff thing, he knows the man and he knows that he is registered. This person is capable of doing big wells, he did the drinking water for the community water system for them in Blairstown.

Mr. Williams stated that they could send it to him that was not a problem. Mr. Mach replied ok.

## PERSONNEL

None

## FACILITIES/RECYCLING

### Landfill Operations

### Cell 7 Construction

Mr. Williams stated that the next item cell-7, there was nothing, they covered that already.

## H2S

Mr. Williams stated that the one thing that they did start noticing concerning the H2S removal, they are starting to see increases in the Hydrogen sulfite which they believe is due to the addition of those 15 new wells that they put on last year. They are starting to see the hydrogen sulfite levels come up in the vessels which means they may be looking at doing a media replacement by possibly this year again. Mr. Williams stated that they are monitoring it and they will let the Board know if it becomes imminent.

Mr. Mach asked if there was media in place. Mr. Williams replied that no it has to be ordered as they have done in the past. Mr. Mach replied ok.

Mr. Williams stated that it takes time and that is why we are monitoring it, we are at low levels right now.

Mr. Mach stated remember the history, next thing you know you turn around and you are almost out of capacity. Mr. Williams replied that he agreed.

Mr. Cannon asked Mr. Williams did they guaranteed the price for the next time also? Mr. Williams replied that he would have to go back and look but he thought it was that it was guaranteed the last two times. He will have to pull out the previous proposals.

Mr. Cannon stated that they had just passed the resolution for Mr. Williams to be able to do day-to-day business so if there were an emergency he would be able to take care of it.

Mr. Williams stated that he thinks that Mr. Cannon may be thinking about Kline's the company that did the media change-out for us. They guaranteed the PCFA a price, he will go back and look at MV who was the media supplier to see if they did also.

Mr. Williams stated that the next items A-6, A-7, A-8, and A-9 are all just your typical monthly reports regarding the Tires, Single stream recycling, Electronic recycling and so on.

Mr. Williams stated that the last item is A-10, which is the 2019 recycling report, this is just something that Mrs. Banghart does on an annual basis. Then she sends it out to all of the County and Municipal recycling coordinators so that they can do their annual reporting.

Mr. Williams stated that there was one more thing, A-6, which is the revised Waste Disposal Fee Schedule they do have all of the contracts in now so if they could get approval for the revised A-6 for all of the haulers listed in red. Mr. Cannon asked if everyone went with the reduction schedule and the restriction on exceeding their limit. Mr. Williams replied yes, and then asked if there were any other questions.

Mr. Perez asked if that was excluding that Direct Waste Company. Mr. Williams replied correct.

Mr. Williams stated that they would need approval for revised A-6.

Mr. Cannon stated that he would make a motion to approve amended A-6 schedule.

Mr. Perez stated that he would second the motion.

Mr. Accetturo asked for roll.

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

Mr. Williams stated that he thinks that they are done unless anyone has anything else.

## OTHER

### GENERAL COUNSEL'S REPORT

Mr. Accetturo asked if there was any General Counsel's report. Mr. Tipton replied that they talked about bulk waste and the Well contractors, Covanta, there was nothing to report on Sanico. Mr. Tipton stated that unless there are any specific requests from anyone, he does not have anything else.

Mr. Accetturo asked Mr. Tipton if any other facilities that he was operating with, are they doing a lot with the COVID-19 issue? Has he been giving advise or consent on a regular basis to some of his other clients?

Mr. Tipton replied yes in fact for many of their public sector clients they are giving daily updates to and also then catering to specific questions regarding COVID-19. It is pretty much a moving target and a changing situation every day, but yes, they are doing that for other public clients.

Mr. Accetturo stated that in that case would Mr. Tipton be available to do that for the Board and PCFA if they have that need. Mr. Accetturo asked if Mr. Williams could reach out to Mr. Tipton if the need arose.

Mr. Williams stated that he thinks that what has been very helpful is that Mr. Tipton has forwarded him informational emails and if he could continue to do that especially on the legal side, he would greatly appreciate it. Mr. Tipton replied that he would.

Mr. Cannon stated that one thing that he would add would be the insurance coverage, could we get a breakdown of what the insurance is going to cover or not and what the PCFA is going to cover. Mr. Tipton replied that he would work with Mr. Williams on that, he does not see the insurance side but he is sure that they could compare notes and figure it out.

Mr. Williams asked Mr. Cannon if he was talking in regards to the virus COVID-19.

Mr. Cannon said no, he meant in regards to Sanico and the lawsuits, how much the insurance would cover for Counsel and how much they would pay. Considering how much they pay for insurance, it would be nice to see them cover something.

Mr. Williams stated that if he remembers correctly, regarding the Sanico suit, he thinks that the PCFA pays the deductible of \$15,000.00, he does not know what the bill was, but that was something they could look into.

Mr. Cannon stated that was all he had.

### Closing Public Comments

None

### PRESS COMMENTS & QUESTIONS

None

ADJOURNMENT

Mr. Accetturo asked if anyone else had anything to add before they adjourn.

Mr. Accetturo stated that he would make that motion.

Mr. Mach stated that he would second that motion.

Mr. Accetturo asked for roll

ROLL CALL:	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

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Respectfully submitted by:

Mariann Cliff

Recording Secretary

Approved: April 27, 2020