

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

April 27, 2020

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:32 AM.

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

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

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

Mr. Accetturo read the following statement: “Adequate notice of this meeting of April 27<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 March 23, 2020 is there a motion on the minutes?

Mr. Cannon stated that he would make a motion with one change on page 4 second to last paragraph. In the middle left paragraph, the sentence begins with to his knowledge. Mr. Cannon would like it to be changed to it has not been shifting.

Mr. Williams stated got it.

Mr. Mach Second the motion to approve.

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

Mr. Accetturo stated M-2 the executive monthly meeting minutes from March 23, 2020 is there a motion on the minutes.

Mr. Perez stated that he would make a motion to approve the Executive Session Minutes from March 23, 2020, and then asked if there was a second.

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

## CORRESPONDENCE

Mr. Accetturo Stated C-1 letter dated April 14, 2020.

Mr. Williams stated that the letter speaks for itself. It is a letter from Joseph Nalbhone, NJDEP, and Gibbons approval regarding the System Revenue Bonds of what the DEP was looking for. Mr. Williams went on to speak about C-2 letter from to John Draikiwicz to the Dep requests so that has been submitted. Regarding that item, the DEP has come back and asked a couple questions regarding that, which have been answered. Mr. Williams stated again this is regarding the petition that was originally submitted by the authority to the DEP doesn't mean even if the DEP approves this and it gets passed on the IBank that it doesn't mean the IBank is going to approve any monies being loaned to the PCFA. I am not anticipating that will even happen.

Mr. Perez stated that he had a question in regarding the letters and whom they were addressed to.

Mr. Williams replied that it was actually only one question and the question was in an email to John Draikiwicz from John Nalbhone. In addition, the question was if the PCFA is allowed to use our closure fund money, which is our alternate route of looking for funds but is his question was if the DEP is allowed to use our alternate closure funds for the project. Would we still need to do bonding? In addition, the answer to that is no.

Mr. Perez answered ok.

Mr. Williams stated that to me that question almost says that they may be getting close to allowing us to use our closure funds to fund this project.

Mr. Lazorisak Asked Mr. Williams if he received that correspondence, I sent over from Governor Murphy?

Mr. Williams stated that he has received it.

Mr. Lazorisak stated where he has that IBank money for battling this COVID-19?

Mr. Williams replied yes, I actually forwarded that over to Mr. Draikiwicz also.

Mr. Lazorisak stated as I said from last month's meeting we are pretty much on our own if we are going to move forward. Mr. Williams agreed.

Mr. Lazorisak stated I do not see the IBank or the governor releasing money out of the IBank for this expansion.

Mr. Williams agreed as well. Mr. Williams said he wanted to stay on that subject since everyone can see he has been working with Mott McDonald to update the finical closure plan that everybody is seeing in a copy in their email. This is in regarding to borrowing approximately 14 million dollars from our closure funds for the project so that is working with Mott McDonald that it has been updated. It shows a 14-Million-dollar amount being borrowed out of the closure fund with a ten-year payback. That has been summited to the DEP they are currently reviewing. Now this is a totally different group that Joe Nalbone from the state of New Jersey is with these are our finical people down at the DEP. They have been receptive they are moving along with doing that review and hopefully that comes back to us very shortly.

Mr. Williams stated that he finds this to be the more positive route and I also found out there are maybe two or three other landfills in the state that the DEP has allowed them to use their closure funds for the same type of project meaning Landfill expansion.

Mr. Cannon stated I think with the DEP that this really is our only option left on the table that it would be pretty difficult for them to deny it I think at this point especially with everything going on at this point.

Mr. Williams stated that he would have to agree with Mr. Cannon one hundred percent.

Mr. Perez asked so if we use our own money at some point down the line would we be able to borrow from the IBank to payback what we used and then pay the IBank back.

Mr. Williams stated to Mr. Perez that if we get any money from the IBank that there would be interest charge put on that loan and if there is any money available from the IBank. Right now if we use our own money, we are interest free. It is something that could be looked at later, and if there is any money left in the IBank.

Mr. Perez asked where this leaves us financially.

Mr. Williams stated there is a schedule in the Mott McDonald letter that shows a payback. I believe it is about 1.4 million dollars annually that would be paid back to the closure fund until it is paid back and that is even if we borrow the 14 million. We do not know how much we are going to borrow until we go out for bid. Therefore, we have 14 million of the closure funds and we have about 10 million of our own cash on hand. We have a total of 24 million dollars.

Mr. Cannon stated Mr. Perez just to give you a clear picture that closure fund money is just sitting in a bank gaining some interest so it is not something that is affecting our financial situation what so ever that is for actual closure. It is a terrific ideal way to go that if we did not have the covid-19 I do not think the DEP would even consider it, but interest free from our own money that we pay back in 10 years I do not think you can get a better deal anywhere.

Mr. Lazorisak stated I think that at this point, if this is going to be a board's decision, I think that the director along with Jim, should send the freeholders a memo stating the position of moving forward and how this board is putting up the existing money. The last time the freeholders discussed this they were still on the fence moving forward with the expansion. We were even talking options moving forward with a transfer station at the site so my suggestion is that we memorialize this in writing to the freeholders.

Mr. Mach asked Mr. Williams what is the payback period that was put into the chart that you discussed was ten years can we make it longer than that?

Mr. Williams replied the rule of thumb is typically you do not want to make the payback longer than the life of the cell. Therefore, the life of this cell is probably depending how much waste we bring is probably around thirteen years. Therefore, we would not want to extend it longer than the life of that cell.

Mr. Mach suggested if we are going to go this way, we should make it as long as possible. If that is agreeable with the DEP to minimize the amount that we have to take from our revenues coming in every year so we can minimize the amount of waste that we have to take in to cover the loan.

Mr. Cannon asked Mr. Williams if I had already previously submitted to the DEP it was going to be a ten-year repayment schedule.

Mr. Williams replied this is the same payment schedule that we worked with Acacia many months ago.

Mr. Cannon stated you sent that to the DEP for their approval to use the closure funds.

Mr. Williams has replied correct which is the same time frame when we sent it to the IBank. Exactly the same payback schedule.

Mr. Cannon stated that now is not the time to decide to change the terms after we have submitted to the DEP to do something so unusual to use our own closure funds. It comes back to "saying hey guys we want to spread it over twenty years". I think it would be the wrong thing to do and if that was the thought, we should have had that thought a month ago.

Mr. Mach stated he agrees with Mr. Williams and he did not realize it had gone to the DEP and was almost finalized.

Mr. Cannon stated that he wanted to follow up with something Alex said. I want the board to know clearly, I do not believe that the Freeholders have any control what so ever over our closure funds it is the PCFA and the DEP that control those closure funds. If the DEP grants the PCFA the ability to use their closure funds to fund an expansion the freeholders have no control what so ever over those closure funds if I'm correct.

Mr. Lazorisak stated to Mr. Cannon that he was not talking about the closure funds. I was just talking about the expansion of the landfill in general. Because again I guess we will get into a further discussion where we are with Covanta. I am sure Mr. Tipton will give us an update on that.

Mr. Cannon stated I do not know where it says anywhere that the county has to approve the PCFA's plan to the expansion if we are not taking any county funds and there is no bonding. There is no vote going out to the Warren County voters that the PCFA can expand their landfill with their own money without approval from anybody except the DEP.

Mr. Lazorisak stated that he was not arguing that point.

Mr. Cannon stated ok I want the other board members to know it just in case it was not clear to them is what I was saying.

Mr. Cannon stated that what I'm saying is a straight expansion if the DEP is allowing us to use our own monies and pay back our own money, they are the only entity that has control over it besides the PCFA board.

Mr. Tipton stated that the freeholder's board does have that veto power over the board. That is a power that they do have over us is all I am trying to say.

Mr. Perez asked just to be clear on this we go ahead and do what Jim is saying or Mr. Tipton but the board has the right to veto us moving forward?

Mr. Tipton replied I believe that they have taken that position many times. I do not believe they have actually acted on that power but the threat has been made.

Mr. Cannon said they can veto our minutes so what we do officially is not completed until Jim will correct me if its 10 or 14 days after the meeting but if they decide to have a meeting and want to veto our minutes that took place at that meeting or actions that took place at that meeting will no longer be valid because they veto them.

Mr. Cannon asked if that was correct Jim.

Mr. Lazorisak stated no that is incorrect and the freeholder director can veto the minutes within ten days from when they were released the draft copy.

Mr. Cannon stated right that is what I said ten or fourteen days yes?

Mr. Lazorisak stated yes but not the board the director himself.

Mr. Cannon stated yes, I understand.

Mr. Cannon stated that is the process within ten days it gets veto than those actions are that our meeting never took place if it is not vetoed with ten days we go right ahead and do what we planned.

Mr. Williams stated right now we are probably putting the cart before the horse because we do not know if we are getting any funding yet from any source.

Mr. Lazorisak stated Exactly.

Mr. Cannon stated that he wanted to make sure that Dan understood.

Mr. Perez stated thank you.

Mr. Williams stated ok and you are welcome Dan.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

There were no public comments at this time

FINANCE

**A-1**

Mr. Williams stated that the next item on the agenda move into the financing. The first thing we will bring up first is the resolution that I emailed everybody from the auditor that is resolution 04-05-20, which is amending the 2019 budget. If everybody seen what I wrote in the body of that email we are not increasing the budget we are just transferring funds from within to another account just to make the records clear. We originally had these funds in the 2020 budget, and the auditors said we needed to put that back into 2019. There were additional funds in the 2019 budget. It is just splitting up that 168,000 into the two accounts that had excess funds in them. Therefore, for the audit we just need to pass the resolution 04-05-20.

Mr. Cannon stated that he would make a motion to pass 04-05-20 to transfer the funds to the other accounts.

Mr. Mach 2<sup>nd</sup> the motion

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

**A-1**

Mr. Williams stated the next item is A-1 the finance report there are no surprises in there and Mrs. Banghart was here if there were any questions.

Mr. Williams stated I am hearing none.

Mr. Williams stated that having said that there was nothing more regarding the financial reports except the resolution to pay bills before us in the amount of \$469,241.03.

Mr. Lazorisak stated he would make the motion.

Mr. Mach stated he would second the motion.

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 *April 27, 2020*.

**RESOLUTION**

**R-04-01-20**

**To Pay Bills –April 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. 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 \$469,241.03 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 April , 2020 .

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Mariann Cliff  
Recording Secretary

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James Williams  
Director of Operations

Approved: April 27, 2020

PRESENTATIONS  
Not at this time

PERSONNEL

None

FACILITIES/RECYCLING

A-2-

Mr. Williams stated that we did go out for bid for the truck-mounted roll off style water distribution tank system. We did receive one bid back from West Chester Machinery. This is the outfit that built the original one for their bid and they came back to us at \$ 32,107.69.

Mr. Cannon stated that he is always disappointed that we only get one bid. He asked if there were any other bids or if they were not qualified or this was the only bid period.

Mr. Williams replied this is the only bid period.

Mr. Cannon stated wow

Mr. Williams stated that this was advertised in the newspaper same way with the well drilling which we will get to next.

Mr. Lazorisak asked Mr. Williams what did we budget for this piece of equipment?  
Mr. Williams replied I want to say \$40,000.00 but I do not remember the exact number.

Mr. Lazorisak asked if we were within the bid threshold.

Mr. Williams replied it was budgeted under capital I do not remember the exact number.

Mr. Lazorisak stated but it came under what we budgeted.

Mr. Williams stated I believe it did.

Mr. Lazorisak stated do you need a motion to award this to West Chester?

Mr. Williams replied yes

Mr. Lazorisak asked Williams if he went through the bid?

Mr. Williams replied yes you will see the write up which is A-2 that is attached. That is prepared by counsel.

Mr. Lazorisak stated he would make the motion to award the water tank distribution tank system to West Chester machinery resolution R-04-02-20

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

Mr. Perez stated he will second that motion.

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

Mr. Williams the next item A-3 which was the drilling for the potable well we are going to table that. Mr. Mach, just so you know the three well drillers that you sent me every one of them has picked up a bid including Colaluce Well and Pumping. The only bid we received back was from Colaluce, one bid. His bid was insufficient because he does not have one of the registrations approved by the state as of yet. Therefore, we cannot do an award at this time. We are going to wait for his registration since he seems to be the only one to bid on this. This is the second time he has bid on this nobody else has bid and again not to repeat myself but I am going to. Three other well drillers picked up this bid and only one bid came back not sure why.

Mr. Cannon asked Mr. Williams how much was his bid?

Mr. Williams replied his first bid was \$25 thousand and change. The second time he went up to \$32 thousand.

Mr. Cannon asked if that includes or does not include electrical?

Mr. Williams replied the electric is done. All he has to do is tie into the electric that is there and we are off and running.

Mr. Cannon stated Oh ok so it went up five thousand dollars?

Mr. Williams replied the bid went up \$5000 dollars because as he reviewed the bid even further the second time, he realized that there are prevailing wage rates in there. Therefore, he increased his bid to cover prevailing wage. The second time around from the first.

Mr. Mach stated I just have to say this I saw his rig going down the road a couple days ago over in Sussex County some place. I am not so sure that it is going to last long enough for him to drill that well. However, if that is what we got than that is what we got.

Mr. Williams stated we could not do an award of this bid because of the one registration he does not have. If we are sticking with the contract language. We have to wait.

Mr. Mach stated it is going to come around again and he will satisfy that need and will be the only bidder again,

Mr. Williams stated that is correct.

Mr. Cannon asked if their license was good?

Mr. Williams replied well it's not his licenses it's this one registration.

Mr. Cannon stated I get ya. You would have been recommending yes today?

Mr. Williams replied correct,

Mr. Cannon asked so between the well now \$32,000.00

Mr. Williams replied correct.

Mr. Cannon asked with the truck is how much did that go for?

Mr. Williams replied the water tank \$32,000.00

Mr. Cannon stated yeah 32,000.00 and I'm not going to be a pain in the butt today but we are looking at Dan's question about freeholders vetoing actions you know today if we did both of those bids and it wasn't just for a license. You know the PCFA would have spent \$64,000.00 on infrastructure items today. Now if the freeholders are going to veto our actions as to expanding with using that closure funds, we need to find that out sooner than later because as Alex clearly stated the director has ten days from the point of taking that action to veto it. I would sure as heck like to know and find out whether or not they want to take that action. Brian is there something we can do today so that than the director would have ten days to decide whether he wants veto that action or not but to go around spending \$54,000.00 today on infrastructure items that if we get our minutes vetoed this item are really not necessary. We are buying infrastructure items that are not needed. If we are a Transfer Station or something else, we should not be doing these things if that is the plan of the freeholders. I think we need to get on record to say if they are going to veto us in ten days than let's get it done with and then it's ten days past and they don't veto us we are not just spending thousands and thousands of dollars it may be a waste.

Mr. Mach stated that he agreed.

Mr. Mach stated from the standpoint of need. We need to get that well in place because if you think back or remember other meetings, we have had this concern that Covanta can cut us off at any time with the existing well. They may not do it they probably will not do it but at the very least if you are going to stop anything or not pass anything of the water truck but the well.

Mr. Cannon stated I am just using today's examples you know what I mean. There is a half a million-dollar dozer that Jim is going to bring up next month. There are two examples today because they are fresh any item you want to pick to expenditure and I guess you can argue that if the landfill closed next year and became a transfer station, I don't know do you need a new well. I do not know. It's time to stop talking about the possibility of vetoing the landfill using its own monies and let's get it on the record. If they want to veto, it then let them veto it. Then we know going forward when the ten days passes, then you can go about spending hundreds of thousands of dollars. My conscious bothers me if we go out and spend all these monies to only find out we are going to be selling these things at auction because these things are not going to be used.

Mr. Lazorisak stated that the landfill is always going to be there and it needs its own water source so I agree with Dick moving forward and again what equipment and can it be used or will be used I should say as part of the closure fund moving forward so I think all those items will have to be distinguished between the use.

Mr. Williams stated regarding the well we found out, Friday this past Friday, that Covanta's well that we are currently hooked to is not operational. So, we contacted Covanta they told us to find someone to go out there and fix it. I wrote back to them in an email saying we asked you Covanta months ago for information regarding these wells. We do not have access to the locked-up buildings that are on our property where all the electrical comes from these wells. So right now, we have nonfunctioning wells and using no potable water source so we can flush the toilets up here. That is our well situation right now.

Mr. Mach stated yeah you need to get it fixed.

Mr. Cannon stated that he agrees hold heartily. However, the ten days needs to be put on the record. Mr. Tipton I would love to hear what you have to say about this. I cannot wait to have the Covanta discussion later on about what sorta sweet heart deal we should give them when they pulled that out the snazzle.

Mr. Tipton stated I have recognized the issues that you are raising Jim as to the veto power of the authority why you are right. It does not make sense to spend all this money on things that may not be necessary. I don't have much of legal option on that. That is just kind of a practical common-sense thing. At the same time, I also recognize that yes, the water is necessary to this building and what the future may be.

Everyone agreed with Mr. Tipton

Mr. Cannon stated that the water has to be the topic of the day but I think you said it best. Common sense let's find out here if Jim says that dozer is on fire here or whatever the case may happen. Let us just get this straight um Brian for whatever motions the board has to make or whatever resolution I mentioned earlier that we send over to the freeholders and this is the bonifed motion or resolution that says we are going to expand if we get our monies with the closure funds. It is putting the freeholder's director on the clock and if in ten days, they veto that than going forward than Jim can know we are talking capital wise whether its water necessary or dozer maybe not necessary maybe the water truck is not necessary. Let's put this thing on the clock for ten days for a simple matter of time let's find out.

Mr. Accetturo stated to Mr. Cannon that it has been like that for ten years. They have had that ability to do that.

Mr. Cannon stated I think it has been longer than that.

Mr. Accetturo stated its not new news. It came up because you were trying to straighten out the conversation and you were wrong, so Brian had to straighten it out. They do have that ability.

Mr. Cannon replied I do not understand what you just said there. We have had this hanging over our heads everyone knows this. I am saying going forward with capital expenditures we need to know if it is going to be a veto or not a veto.

Mr. Lazorisak stated Jim you know the freeholders have been to the meetings and have sent letters. Their concern with the future of this landfill. We have the Covanta situation hanging over our head obviously the type 10 is an issue for the freeholders. Their position is and they have made it very clear that moving forward if the landfill cannot secure type 10 to be disposed of in the landfill they are in

the position where they don't want it trucked in from all other sources throughout the state and out of state. So, we have had this discussion we are waiting to resolve the issue with Covanta they are not being helpful but then you again you know with moving forward with the expansion you know this is one of the issues they want to address. What the hell is Covanta doing and I'm not saying it's this board's problem or this board's fault or reasonability from what Covanta has done. The freeholders do not feel that way but you know that is the underlining question of the future of that landfill that is the one question they have been asking. It's the one concern they have so again if the IBank isn't going to give us the money if it's this board's position to use closure money for the expansion I suggest as I did earlier to put it in writing and the freeholders know where this board's position is at this point. Period.

Mr. Cannon stated he would like to make the motion that Brian needs to drop the resolution that what the county administrator just formulated that this board should do before so that we do not go forward spending monies on infrastructure, trucks and maybe wasting hundreds and thousands of dollars. I make a motion to what Alex suggested and we get it sent over to the freeholders.

Mr. Lazorisak asked why a resolution I think it should just come from the Director or Angelo.

Mr. Lazorisak stated if they want to use the attorney guidance for a memorandum from the director to the freeholders then so be it. I do not see why we need a resolution to authorize the attorney to do so.

Mr. Williams asked Mr. Cannon if he wanted to formulate something.

Mr. Cannon stated that he was sitting in his car on the meeting. I am trying to formulate something that you would need and the ten-day clock would go if the concession of the board is to expand and you use our closure money that is if we are able to. However, we put that into paper and get it to the freeholders does not matter to me.

Everyone agreed to put it on record.

Mr. Lazorisak stated this is what is going on the freeholders are well aware of the governor stealing \$50 million dollars out of the IBank. So, it is not going to be a shock to them that the IBank is not ponying up the money for the expansion.

Mr. Cannon stated I think we agreed on this last month

Mr. Lazorisak replied correct.

Mr. Perez stated that he had a question. With this is the question going to be asked of the Director to answer us within that ten-day period. Whether they are going to veto or not.

Mr. Lazorisak stated, there is no ten-day time period on this because we have not moved forward, we have not even gotten word that they are allowing us to this account yet.

Mr. Mach stated, to answer Dan's question the freeholders cannot act on this until their next meeting, which is when?

Mr. Lazorisak stated that is not true. The freeholder director can veto any of the minutes it does not have to unanimous decision.

Mr. Cannon stated that we put this memorandum in our minutes that is what it comes down to Dick. This memorandum is part of the minutes and if they say, it is going to be vetoed than the expansion is going to be held up. If the minutes don't get vetoed and this memorandum part of the minutes and part of the record than we go forward with the expansion using the closure funds that is what it boils down to.

Mr. Mach stated that he does not understand how this document that we are proposing to send to the freeholders is also part of the minutes. We can send a document today, get, and answer today.

Mr. Cannon stated any document that we do is part of our minutes obviously our entire packet is a part of the minutes. So, the legal authority is to for the freeholder director is able to veto all or maybe parts of our minutes Brain may be able to tell you better on that but that that's where the ten-day window comes. If you send a separate letter, maybe that's not included in the record, then maybe there is some gray area there. If we send a letter to the board that we want to expand and that we would like to use our closure money if we are allowed to and it's in the packets the freeholders received. And if the Director veto's that part of it than we know where we stand.

Mr. Williams stated I think we are putting the cart before the horse. We are talking hypothetical here. We do not even know if they are going to allow us to use the closure funds yet. I think we are being premature here. I think once we know for sure the DEP is going to allow us to use those closure funds than we send letter or memo over to the freeholder's board, before we consider taking out of these funds but I think to do it prematurely we could be talking about nothing here. I say we wait till we hear from the DEP whether it's a ya or nay. If they say we can use the funds than we formulate a letter to the freeholders saying this is what we have been approved to do from the DEP if you want to use your veto power than to do it at that time. I think we are being premature with this letter. That is my two cents.

Mr. Accetturo stated that he agreed with Jim.

Mr. Cannon stated that if he had anything to add to that in good conscience in next months you have a quarter million dollars that needs to be spent on something, we just could not do it. I do not care whether we do this now or later but my whole reason for bringing it up that if we are chasing our tails with spending money. If we freeze all capital expenses than yes, it is a mute question.

Mr. Williams stated that he would. We don't do the capital expenditures. You are spot on Jim. What needs to be done is the well. We have no water.

Mr. Cannon stated that nobody argued that point before. That was an example.

Mr. Williams stated that we could post pone the water truck, the water tank. I'm not going to do anything as far as the bulldozer because that doesn't make any sense to buy a brand-new bulldozer if we are going to be closing in a year and don't have any funds.

Mr. Cannon stated that was his point.

Mr. Williams stated correct.

Mr. Cannon stated that he was fine with that.

Mr. Mach asked Mr. Williams what was going to happen from hearing this conversation over the phone. What is going to happen?

Mr. Williams replied I think it is just a wait and see. Right now, we are in a wait and see. We are waiting to hear back from the DEP about using our closure funds.

Mr. Mach stated that we are doing nothing up until then?

Mr. Williams replied correct.

Mr. Cannon we are holding back on the truck purchase or on anything other capital expense.

Mr. Mach replied that he understands that.

Mr. Cannon stated we understand that the DEP and their usual prompt matter we will respond in a matter of a month.

Mr. Williams asked OK?

Mr. Mach stated “sure”, as long as everybody knows that.

Mr. Williams stated we need to remember we just approved the water truck. If you do not want to do the tanker, somebody is going to have to make a motion or we do it. Just regarding that that’s very helpful and useful for putting out fires at the landfill. It is more than just watering down roadways. A water tanker is very useful for fires at the landfill.

Mr. Cannon stated I think we have the whole promise of everyone’s agreement on the large capital expenditures expense.

Mr. Williams stated correct.

Mr. Lazorisak stated that 34,000.00 is not going to break the bank at this point.

Mr. Williams agrees with Mr. Lazorisak.

Mr. Lazorisak stated considering we are about to use everything we have in savings for the expansion so I mean if you need it go ahead and get it.

Mr. Williams agreed and stated let us move on.

## Landfill Operations

Mr. Williams stated the only thing regarding that operations have been going well. We have received a check from the insurance company regarding the bulldozer that caught on fire. After back and forth with the insurance company looking at auction prices and what it would have been worth. The age on it and

the number of hours and online auction prices range from \$140 to 160,000.00. Caterpillar's prices for the same machine same mirror same hours Caterpillar was selling them for \$140,000.00. The insurance company gave us a check for \$158,000.

Mr. Mach stated "wow".

Mr. Williams stated I think we did pretty well.

Mr. Mach stated "Good job".

Mr. Williams stated so we got \$158,000.00 towards a new piece of equipment possible in the future.

### Cell 7 Construction

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

### H2S

Mr. Williams stated that he had ordered the new media. The H2S levels continue to climb regarding its vessels. We spoke about this last month so the media has been ordered so we can get that changed out so we do not have any permits exceedances regarding hydrogen sulfide. That has been ordered.

Mr. Williams stated that there is no update in regards to the solar panels.

Mr. Williams stated that A-4, 5, 6, 7 are monthly updates.

Mr. Perez asked Mr. Williams that moving forward would we be using the check for \$158,000.00 towards the purchase of a new bulldozer now or later.

Mr. Williams replied no we would not be using the funds received until we have the funds for cell 7. So, we will be sitting on it. It has been deposited in the bank and will not be used.

Mr. Perez stated he got it.

Mr. Williams stated one last thing before I am assuming, we are going to be talking about Covanta. I think I sent an email to everybody. I did get a call from Rick Sander maybe two weeks ago that he was going to submit something to me. I never received anything regarding the decommissioning of the facility. That was my open discussion regarding Covanta.

Mr. Cannon asked if they paid the payment.

Mr. Williams replied yes, we have received the next quarterly payment.

### OTHER

### GENERAL COUNSEL'S REPORT

Mr. Tipton stated as far as Covanta goes; he has not received a reply back to his previous email. The Covanta's attorneys advised me that she would probably have something for me in two weeks.

However, of course they are dealing with the same COVID issues as everyone else. I have received nothing from her since then. The only other update was what Jim mentioned which was about rick that there was no update and the ball was in their hands. I am glad they made the payment.

Mr. Williams asked Mr. Cannon if there was any need to go into executive session.

Mr. Cannon replied I do not believe so.

Closing Public Comments

None

PRESS COMMENTS & QUESTIONS

None

ADJOURNMENT

Mr. Accetturo asked if anyone else had anything to add before we 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. Mach	-	Yes
	Mr. Cannon	-	Yes
	Mr. Lazorisak	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

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Respectfully submitted by:

Michelle Connors

Approved: April 27, 2020