

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING  
January 28, 2009

Chairwoman Napolitani called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 11:08 AM.

Authority Members present: Laurel Napolitani, Dick Mach, and Everett Chamberlain.

ROLL CALL:	Ms. Napolitani	-	Present
	Mr. Mach	-	Present
	Mr. Accetturo	-	Absent
	Mr. Chamberlain	-	Present
	Mr. Yanoff	-	Absent

Also present: James Williams, Operations Manager, Joseph Houston, Esquire, General Counsel; Douglas Steinhardt, Special Counsel; Brendan Mullen, John Armstrong, and Iver Shaw of Hatch Mott MacDonald; Greg McCarron and Atty. Brian Roe of SCS; Donna Detrick, Habitat for Humanity; Mike Grossman, Risk Manager, and Margaret Rogers, Recording Secretary.

Pledge of Allegiance / Introductory Statement

MINUTES

CORRESPONDENCE

PUBLIC COMMENTS (Agenda Items Only)

PRESENTATIONS

Brendan Mullen and Associates of Hatch Mott MacDonald proceeded with a presentation (H/O) regarding renewable energy; solar panels and wind power.

He had read a news article regarding a local tract of agricultural land that may be suitable for alternate energy applications (wind power); he thought may be of interest to PCFA. While this is not Brendan's forte', he brought two associates with expertise in this arena. Both gentleman pointed out there is a rapid trend for this new energy source and if all suitable requirements/conditions, etc. are available, this project can be completed within 24 months. The up front costs are substantial, but the pay off in 3-5 years is more so. They pointed out the financial incentives; the NJ BPU offers a rebate program depending on how much electricity is produced, approximately one (1) million dollars in rebate.

In addition to determining the velocity of the wind in the area, the condition of the ground, other factors need to be considered (i.e. where the electrical substation is and where we are on the electrical grid). It is also important to meet with the stakeholders in the community to get their point of view/ concerns; any sensitive issues regarding housing, noise, wildlife, aesthetics, birds, military radar, etc.

A typical installation would be approximately 5 windmills, at a cost of \$4 million per, and the life on the installation would be about 25 years. An Application would need to be filed, with some kind of formal commitment, and may be cancelled at any time, but it's important to get it in early if we choose to undertake such an endeavor.

Hatch Mott MacDonald was thanked for their presentation.

In response to Ms. Napolitani's question, Mr. Mullen stated that he has no update on the Expansion Permit.

Donna Detrick with the Habitat for Humanity gave a brief overview of their most recent project (Item A-1) [donated building in Washington] for which she is seeking waiver/reduction of the landfill tipping fees for trash resulting from this building refurbishment. The Board voted to waive the fees upon receipt of a request in writing and inspection of load(s) prior to disposal. Mr. Mach motioned to waive the fees, seconded by Mr. Chamberlain.

ROLL CALL:	Ms. Napolitani	-	Present
	Mr. Mach	-	Present
	Mr. Accetturo	-	Absent
	Mr. Chamberlain	-	Present
	Mr. Yanoff	-	Absent

The scheduled Treatment Plant Soil Report by Mr. Sterbenz will be addressed at next meeting, affording Board Member, Mr. Yanoff additional time for review and offer his comments/recommendations. Ms. Napolitani will attend the next construction meeting to discuss report.

## FACILITIES/RECYCLING

Mr. Williams indicated that he has prepared an Application for Carbon Credits. General Counsel will review the application prior to submission.

Good news for Sulfur Removal. Mr. Williams stated that the first load of sulfur was transported last week and was accepted by the vendor. Several trailer loads will go out this week, and so on until the stockpile has dissipated. Moving forward, we will transport every 5 months.

After some discussion, the board decided to charge Municipal and Commercial customers \$.03 per pound for recycling (Item A-2) and no charge for residents on a trial basis.

Resolution R-01-06-09 to adopt Recycling Fees was motioned for approval by Ms. Napolitani, seconded by Mr. Mach.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Yes
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Mach	-	Yes

Item A-3, draft RFP for 2009-2010 Gas Collection System Maintenance contract will be held for next meeting.

Special Counsel Steinhardt stated that he and Brian Tipton discussed the outstanding SCS invoices with SCS General Counsel, Brian Roe, here to address the invoices and issues concerning past services, and Greg McCarron, VP of SCS, who will answer any technical questions.

Board members voiced their concern about the timing, design, and sizing of the power plant, the gas recovery system, and other issues which have resulted in substantial additional expense to PCFA. Not to mention fines imposed by the DEP. In order to run efficiently, we must continue to alter the systems currently in place. We are also seen in a bad light by the community.

Mr. McCarron stated that SCS was initially contracted to deal with the odor issues in 2004. Our first recommendation was to stop taking in C&D material, which PCFA did. Other landfills, by the way, are in the same position; we advise them not to take in this material. Additional issues arose, which include: expanding the gas collection system, work on the flare system and help with the sulfur scrubber facility.

At that time, the waste tonnage was used to project future tonnage and resulting gas volume, the size of the flares, etc. One of the key assumptions for the gas model and flares was the expected tonnage. The system(s), which now appears oversized, were designed based on that projection; the tonnage of which never materialized due to the turn off of out-of county waste. All landfills experience a peak capacity and decline. The system was designed to handle the peak flow that was expected in 2007. It was required by the DEP, residents and PCFA to control the gas.

We assisted with the sulfur scrubber facility by putting together the RFP. The facility itself was designed by GTP. Again, designed, based on the flow.

The DEP at the time required that the sulfur scrubber evaluation be done. The draft ACO required PCFA to implement. GTP was the only RFP that came in. After the sulfur scrubber came on-line there were some odors from the condensate traps which were designed assuming GTP was going to operate the facility. Due to problems with GTP's internal equipment, the gas provided a higher pressure which was not designed in the condensate traps that we proposed. The system was operating at a different level than what the traps were designed for. I am confident the GTP system was and still is the best solution for the Authority, given the circumstances.

Regarding the permit application issue, SCS has spent more time (2-1/2 years to process) on this application reviewing and commenting on four (4) drafts, pleading with the DEP to delete or modify certain conditions, some of which they did. A final permit was issued by the DEP that no one knew about, including SCS. We did not get a copy.

Mr. Williams did acknowledge that accepting the C&D (cover material) material was revenue driven. PCFA was also advised to discontinue this practice by a pre-SCS engineering firm.

Mr. McCarron did say that had this material not been used, odors would have been minimal and a collection system and flares would have sufficed, making construction of the sulfur scrubber system unnecessary.

He feels SCS has done due diligence and been an advocate for PCFA.

Attorney Roe stated he hopes we can clear up the invoices, as you'll notice are for O&M, not design issues, etc., then move on to discuss the other issues. Mr. Roe indicated they are willing to waive \$3,700, as the vast majority of all services are not even in question.

Mr. Williams indicated he would review all invoices.

## EXECUTIVE SESSION

On a recommendation by Mr. Houston to leave the public forum for purposes of discussing settlement of outstanding claim, Mr. Chamberlain motioned to enter into Executive Session (R-01-07-09) at 1:10 pm, seconded by Mr. Mach.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Yes
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Mach	-	Yes

Regular Session was re-entered at 1:40 pm to finish the public agenda on a motion by Mr. Chamberlain, seconded by Mr. Mach.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Yes
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Mach	-	Yes

On a motion by Mr. Chamberlain, seconded by Ms. Napolitani, PCFA has agreed to pay SCS \$42,000.00 for all outstanding claims and matters upon receipt of proper reciprocal releases to SCS and reviewed by Mr. Steinhardt.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Yes
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Mach	-	Yes

## FINANCE/PERSONNEL

Mr. Williams indicated that a reorganization of personnel and job titles as well as pay increases will be discussed at the next scheduled meeting.

## NEW BUSINESS

None

## GENERAL COUNSEL'S REPORT

None

## OTHER BUSINESS

Mr. Williams brought to the Board's attention that an odor complaint was reported to and observed by the Health Dept. as a result of DCO's engine problems.

Mr. Steinhardt indicated he is unprepared to discuss the permit issues at this time but will be providing a status report.

## CLOSING PUBLIC COMMENT

None

PRESS COMMENTS & QUESTIONS

None

ADJOURNMENT

With no other business to discuss, Mr. Mach motioned to Adjourn at 1:50 pm, seconded by Ms. Napolitani.

ROLL CALL:	Ms. Napolitani	-	Yes
	Mr. Chamberlain	-	Yes
	Mr. Accetturo	-	Absent
	Mr. Yanoff	-	Absent
	Mr. Mach	-	Yes

Respectfully submitted by:

Margaret Rogers  
Recording Secretary

Approved: