

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING  
August 13, 2008

Chairwoman Napolitani called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 3:00 PM.

Authority Members present: Laurel Napolitani, Richard Mach, Angelo Accetturo, and Everett Chamberlain.

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

Also present: James Williams, Operations Manager; Charles L. Houck, Chief Financial Officer; Joseph Houston, General Counsel; Paul Sterbenz, Maser Consulting and Margaret Rogers, Recording Secretary.

Pledge of Allegiance / Introductory Statement

### MINUTES

The minutes of the Regular Meeting of July 23, 2008 were presented for approval. Mr. Chamberlain moved for acceptance of the minutes as presented, seconded by Mr. Mach.

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

### CORRESPONDENCE

None.

### PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None.

### REPORTS

#### FACILITIES/RECYCLING

Monthly Operations Report (A-1) - self explanatory – no comments.

Mr. Williams introduced Tim Clark, Landfill Working Foreman, who briefly explained the decision to reduce overtime. Basically, the Recycling Staff will resume working the schedule as previously employed at the old Recycling Center, with one employee working 3-1/2 hours on Friday and 4-1/2 hours on Saturday, alternating every other week. Present overtime monies will be reduced by approximately \$12,000 to \$15,000 per year.

Mr. Sterbenz updated the Board on the PreTreatment Plant construction. He stated that the Pre-Construction meeting on the 1<sup>st</sup> of August, which is a prerequisite for construction projects, went well. He will provide minutes to the Board. The most critical item is the membrane which is a 20 week lead time. We're waiting for documents for our approval and the contractor can then order. The Notice to Proceed (which fixes the time frame (365 days)) was signed by the Contractor; beginning 8/11/08 and finish by 8/10/09. The Contractor issued a schedule on how the work would proceed which was to start next Monday. However, since a shop drawing was not included and building permit was not applied for, the project will not start as scheduled. An application for a building permit was filed with White Twp. and an amended schedule will be forthcoming.

Mr. Mach, who was in attendance, commented that it was a very well conducted meeting with all interested parties present, lines of communications were established with key contacts and areas of responsibility clearly identified.

Mr. Sterbenz next addressed the Sulfur cake issue. The State prohibits PCFA from land-filling the sulfur and requires that a plan be put forth for the disposal of this material. He reviewed the offer by Logistical Solutions to transfer the material to California and determined it is expensive. Before making a decision to transport to the west coast, and to reduce PCFA risk and liability he suggests we seek a sulfur recycling company closer to home such as North or South Carolina or Georgia. Sulfur is presently a high commodity item and we should seek a firm that would offer the best potential for us. Maser is currently researching ways to dispose of the sulfur, such as arranging for disposal on Waste Exchange on the internet or perhaps put the sale of this material out to bid. He feels this issue should be discussed further.

General Counsel suggests we inform the DEP that our current plan is not feasible and we're looking to develop new plans for the sulfur disposal as required in our ACO.

Mr. Chamberlain motioned to request Mr. Sterbenz send a letter to the DEP advising them of such, seconded by Mr. Mach.

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

Mr. Houston voiced his concern about the landfill operating properly under our existing solid waste facility permit and our pending expansion permit. He suggests we have Maser Consulting contact the DEP to find out if we are in violation of these permits, what our liabilities are, if additional information is required to bring us into compliance and just where we stand on these issues.

Mr. Chamberlain motioned to have Mr. Sterbenz contact the DEP concerning above mentioned permits, seconded by Mr. Accetturo.

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

### FINANCE/PERSONNEL

Ms. Napolitani briefed the Authority on the following issues.

We are currently checking all hauler accounts prior to sending out notices and proceeding with legal action. We're in the process of developing procedures for handling overdue accounts and insufficient checks.

We need to decide how we plan to handle the theft proceeding of Ms. Janda, as a court date has been set. Mr. Houston mentioned that the Board cannot take any action, but we should be present at the hearing.

General Counsel suggests we take legal action on the negligence of previous CFO regarding his responsibility for overseeing defendants work practices contributing to the crime stated above. We should meet with Special Counsel Mr. Jones and defer to his findings. Also, possible investigation of the prior Board's actions regarding previous CFO's contract and responsibilities under said contract.

Mr. Chamberlain motioned for Special Counsel Bruce Jones, to continue to investigate the obligations of previous CFO and Authority Members, seconded by Ms. Napolitani.

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

Item A-2 – Inter-regional Disposal Settlement was discussed next. Mr. Williams briefed board members on this issue. A judgement against this company was never pursued by the former CFO and Board and this company is willing to negotiate a settlement of equipment in lieu of payment. During a recent trip to view this equipment, Mr. Williams feels we could do well accepting this offer, as additional backup equipment would be an asset in operating the landfill.

Mr. Mach motioned to accept the equipment after additional mechanical scrutiny and with amendment to the agreement, seconded by Mr. Accetturo.

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

### NEW BUSINESS

Mr. Williams just noted that all video cameras are in place and operational.

GENERAL COUNSEL'S REPORT

General Counsel feels the post closure plan needs to be reviewed and discussed by the entire board.

OTHER BUSINESS

Ms. Napolitani made note of Mr. Williams' suggestions for the newsletter. Any comments or suggestions are welcomed.

CLOSING PUBLIC COMMENT

Mrs. Chamberlain just wanted to compliment Mr. Houck and the entire Board for the work they have done over the past several months, in light of the negative publicity they have encountered.

PRESS COMMENTS & QUESTIONS

Express Times asked what action would be taken against former Board. Mr. Chamberlain responded that we need to recoup the balance of the monies however possible.

EXECUTIVE SESSION

Not necessary.

ADJOURNMENT

Mr. Chamberlain motioned to Adjourn at 4:15 pm, seconded by Mr. Accetturo

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

Respectfully submitted by:

*Margaret Rogers*

Margaret Rogers

Recording Secretary

Approved: *August 27, 2008*