

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING  
August 27, 2008

*Revised*

Chairwoman Napolitani called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 3:03 PM.

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

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

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

Pledge of Allegiance / Introductory Statement

MINUTES

The minutes of the Regular Meeting of August 13, 2008 were presented for approval. Mr. Mach moved for acceptance of the minutes as presented, seconded by Mr. Chamberlain.

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

CORRESPONDENCE

None.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None.

REPORTS

FACILITIES/RECYCLING

Monthly Operations Report – N/A

Mr. Mullen of Hatch Mott MacDonald basically explained DEP procedures and time frames regarding such documents, indicating that we are one of several landfills under review by the DEP. Mr. Mullen stated there is no indication that the application won't be approved. *Mr. Mach requested Mr. Mullen provide a chronological summary of events of what has transpired prior to and to date of their submission of the Closure/Post Closure Plan and Vertical Expansion Application (November 2007).*

Mr. Houston suggested we have Mr. Mullen attend a subsequent meeting for further briefing.

Mr. Sterbenz, Maser Consulting, updated the Board on the PreTreatment Plant construction. He reiterated his previous comments concerning the 20-week lead time on the membrane. A new construction schedule was received that will have no effect on the scheduled completion date, and the building permit will be ready today from White Twp. He also mentioned the contractor is seeking partial payment of expenses incurred to date (i.e., start-up costs, bonding, insurance, equipment purchase, etc.). A progress meeting is scheduled for September 8<sup>th</sup> with a written report the second meeting of the month.

Mr. Sterbenz next addressed the Sulfur cake issue. He suggests we seek a market for this material. Maser has communicated with several businesses for the disposal of the sulfur, two of which, GTI Oil & Chemical Trading in Morristown, NJ and Advanced Recycling Tech., Inc. in Hudson, NY, require samples. The material has been listed on the internet with Waste Exchange in SC and Agriseek, another waste exchange, as well as the Chemical Industry Buyers Guide. Hopefully within the next few weeks we will receive responses from these organizations.

#### FINANCE/PERSONNEL

Special Counsel, Bruce Jones updated the Board on what is involved in pursuing legal action against the previous CFO, Board members or any others that may be civilly responsible for the theft. He would need to review some financial records, any relevant associated meeting minutes and other documentation that might be useful in this pursuit. After review, he'd like to send letters to previous employees and board members to interview them and see if they have any information or access to any documentation we don't have that may be useful. We do not want to interfere with the criminal investigation but would need to compare their findings with ours. We can't do anything until we reach that point. A tentative meeting is scheduled for September 16 to start reviewing the financials.

Ms. Napolitani motioned to accept Resolution R-08-02-08 to Pay Bills in the amount of **\$492,300.73**, seconded by Mr. Accetturo.

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

#### NEW BUSINESS

Ms. Napolitani asked if we want to take the opportunity to accept additional (out-of-county) waste from National Transfer if Covanta invokes their "first" right to refuse?

The following comments/concerns were voiced:

- Do we want to fill up the landfill with others waste leaving less space for Warren County?

- We can use the additional revenue to help finance big projects and still fulfill our expansion obligations for Warren County.
- Bonding for funds is not possible at the present time. We would have to issue revenue bonds or have the county issue debt for the Authority.

Mr. Houston noted that we are operating over our permitted tonnage. He also suggested that the Operations Manager and Special Counsel meet with Covanta to discuss their intentions and address contractual issues before we move forward.

Inter-regional Disposal Settlement was discussed next. Mr. Williams stated that Inter-regional agreed to have our own mechanic inspect the truck and he would prepare a draft agreement for General Counsel to review which would be signed by both parties.

### GENERAL COUNSEL’S REPORT

Mr. Houston stated he would just like to make sure all documents, including historical documents, are properly filed in the cabinets and vault for review when necessary.

### CLOSING PUBLIC COMMENT

### PRESS COMMENTS & QUESTIONS

### EXECUTIVE SESSION

Not necessary.

### ADJOURNMENT

Mr. Accetturo motioned to Adjourn at 4:40 pm, seconded by Ms. Napolitani.

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

Respectfully submitted by:

*Margaret Rogers*

Margaret Rogers  
Recording Secretary

Approved: *September 10, 2008*

### **Revision**

*(see 1<sup>st</sup> paragraph, Pg.2, noting that Mr. Mach requested a chronological summary of events from the filing of the application (Nov. 2007) to date)*