

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING
November 12, 2008

Chairwoman Napolitani called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 3:02 PM.

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

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

Also present: James Williams, Operations Manager; Joseph Houston, General Counsel; Charles Houck, CFO; Mike Grossmann, Risk Manager; Wachovia, and Margaret Rogers, Recording Secretary.

Pledge of Allegiance / Introductory Statement

MINUTES

The minutes of the Regular Meeting of October 22, 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	-	Yes
	Mr. Mach	-	Yes

The minutes of Executive Session of October 22, 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	-	Yes
	Mr. Mach	-	Yes

CORRESPONDENCE

Mr. Williams stated that he was in attendance at the meeting in which item C-1, PRMUA Memo (internal document) was handed out. He feels that PRMUA does not wish to operate the pretreatment plant. He also stated he does not understand item C-2, the invoice submitted by PRMUA for legal fees rendered, i.e., engineering services observations, etc. on the cost of operating the plant. Board

members also questioned the bill submitted by PRMUA. Mr. Chamberlain made the group aware that Ms. Napolitani has been appointed to PRMUA and will attend the next meeting and question why we are being invoiced for their internal document.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

None.

PRESENTATIONS

None.

REPORTS

FACILITIES/RECYCLING

Mr. Williams brought the members up-to-date on the following:

- Treatment Plant Construction – on schedule, will be cutting back engineering oversight until actually necessary.
- Sulfur Removal – not really going anywhere. We have some time before the stock pile becomes overwhelming. May have to resort to original offer from Hondo – California and try to negotiate.
- Stack Test – has been completed, should have results by end of month. Mark Swyka will be present at December meeting to bring us up to date.

After a brief discussion of Item A-1, the previously tabled 2009 Proposed Rate Increase, Mr. Mach made a motion to include a \$10.00 minimum fee, increase the gate rate to \$95.00 and an increase of 3% across the board for contract rates, seconded by Mr. Accetturo.

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

- Landfill Methane Emissions Offset Credits – H/O from Mr. Houston. Mr. Williams indicated he requested an application for us to sell methane from our collection system (i.e., carbon credits). We should have more information by the December meeting.

Mr. Williams mentioned that due to the economy, we will no longer receive revenue from recycling; we will be charged for certain recycling. Hopefully we won't have to charge for recyclable items.

Just a few items for your information:

- We finally received notification from the DEP on the landfill Expansion Permit Application. Hatch Mott MacDonald is working diligently on it now so we meet the 30-day submittal Requirement. They assured us there would be no problem getting it submitted on our behalf.
- Just a reminder about our December 6th Christmas Party, RSVP Marge as soon as possible.

- We're going to be conducting performance evaluations in the next few weeks. The Working Foreman will be doing the Landfill staff, and the Operations Manager will be doing the Administrative and Scale House staff. Request a Committee be formed to do an evaluation the Operations Manager.

FINANCE/PERSONNEL

Mr. Chamberlain motioned to approve the Resolution to Pay Bills, (R-11-01-08), seconded by Mr. Mach.

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

Ms. Napolitani motioned to approve the 2009 Authority Budget (R-11-02-08), seconded by Mr. Mach.

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

Insurance issues, item A-2 Selective Insurance - was discussed next. Mr. Grossmann stated that Selective Insurance has asked for a reservation of rights to have three individuals testify to the claims status, which will be a re-hash. They're looking for a reason to deny the claim, (i.e. slip up, that we knew 120 days before submittal of claim), at which time they'll look for a sit down with the Board to try and make a settlement and reduce the claim. They requested a meeting of December 4, 2008. A prior meeting revealed they are looking for paper work, but they need to be more specific. They have a right to take deposition under oath from anybody they want. A review of the contract revealed that a conviction is not necessary for payment of a claim.

Mr. Houston mentioned that we asked the prosecutor to request restitution from the defendant as part of sentencing if proven guilty.

Mr. Grossmann also noted that all applications for 2009 insurance policies are out, several we were able to reduce and included some which were overlooked.

Mr. Grossmann also brought to the Board's attention the need to select a Broker of Record. Mr. Chamberlain motioned to continue with Wachovia, our current Broker of Record, seconded by Mr. Yanoff.

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

NEW BUSINESS

Personnel issue was brought before the Board. Mr. Houston suggested that the complaint/grievance procedure in the Personnel Manual be followed prior to seeking an audience of the Board. Employee will meet with Supervisor and Operations Manager to discuss further.

GENERAL COUNSEL’S REPORT

No report.

OTHER BUSINESS

None.

CLOSING PUBLIC COMMENT

None.

PRESS COMMENTS & QUESTIONS

None.

EXECUTIVE SESSION

Mr. Chamberlain motioned to enter into Executive Session (R-11-03-08) at 4:25 pm to discuss personnel issues and professional contracts, seconded by Mr. Accetturo.

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

Motion was made by Mr. Accetturo to return to open session at 4:55 pm, seconded by Mr. Chamberlain.

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

A motion was made by Mr. Accetturo for Mr. Jones to continue with the investigation based on the new information gathered, seconded by Mr. Chamberlain.

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

A motion was made by Mr. Chamberlain to change the schedule of the December 10, 2008 meeting from 3:00 to 2:00 pm to allow sufficient time to speak with Brian Tipton and go directly into Executive Session to discuss with Environmental Counsel three pending issues of possible litigation. Ms. Napolitani seconded the motion.

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

ADJOURNMENT

Mr. Chamberlain motioned to Adjourn at 4:58 pm, seconded by Mr. Mach.

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: *December 10, 2008*