MINUTES **October 1, 1997**

The Board of Chosen Freeholders of the County of Warren met in the Hackettstown Municipal Building, 215 Stiger St., Hackettstown, NJ on Wednesday, October 1, 1997 at 7:00 p.m. This was a regional meeting to include the Town of Hackettstown, Mansfield Township and Independence Township).

The meeting was called to order by Director Stone and upon roll call the following members were present: Freeholder Ann Stone, Freeholder Susan Dickey and Freeholder Stephen Lance.

The Pledge of Allegiance to the Flag was led by Director Stone.

Director Stone read the following statement: "ADEQUATE NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR-GAZETTE, BLAIRSTOWN PRESS, THE NEWS, STAR-LEDGER AND THE EXPRESS-TIMES AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE".

Open Discussion

PCFA Issues

Assemblywoman Myers was present at the meeting and requested time to outline her efforts with respect to state assistance in regard to the loss of flow control of solid waste. Mrs. Myers stated that she has read the papers, seen the resolution from the freeholders and been contacted by Mr. Dinger. She is concerned with the amount of misunderstanding which seems to be a part of this issue. She was present at the PCFA meeting this morning and brought the members there up to date on her efforts. She provided a handout for information.

She stated she had never thought the PCFA would come up with a plan that would not ask the state for assistance. She thinks the state is willing to be a partner in finding a solution to the financial problems. It was the DEP that decided that a state bailout was inappropriate and unnecessary. Each county made many decisions. Also, 19 of the 22 solid waste districts don't have a big problem. When the waste is all from "in-county", they just cost-shift from tip fees to a tax base and it is a wash out. The problem in Warren County is that it is not just in-county garbage. Union County has a similar problem. Statements from DCA and DEP revolves around the bulk of the state, not Union and Warren Counties.

Nobody in New Jersey should expect to have to pay more money than at present, and most will pay less. She has asked Union County legislators to work together to pass legislation to help. PCFA tried to operate within restrictions, with increased throughput, more ash, etc. She understands the concerns on these issues.

She encouraged the PCFA to provide the pros and cons on all the issues and possible solutions. The increase in trash at the EFR has positives, not just negatives. It is important to educate constituents on what the choices are. An EIC could be on trash bills rather than on property tax bills. PCFA should put a price tag on whatever options are being proposed. The

PCFA presentation caused a problem as it was an all or nothing proposal. There may be room to negotiate some of the issues, maybe some ash and some EIC. We don't know what will happen with the interdistrict agreements, and recommend we negotiate with the counties rather than go to court.

Mrs. Myers stated that she was asked about the BRI settlement approval from DEP as it was overdue. She made contacts today, and was told that the holdup was a request for additional information from BRI, which has now been received. The DEP is to approve the BRI settlement in the middle of next week.

The state government has stepped up in several ways. The Governor's Office says they agreed to defer the State loan payments. At every meeting in Trenton, they are all aware of the special problems of Warren County and Union County.

She has sponsored several bills which would appropriate money for this issue. She provided copies of the legislation. Additionally, there is the $20 million in the budget. The original bill was to see that Warren and Union got priority, because of the unique situations.

Mrs. Stone said that the PCFA told us we had no political clout in Trenton. We are glad you brought this up as we are trying to work to look at the best interests of Warren County residents. We are starting to get information now. We need to work together. Our concern is where the garbage is coming from and what it will do to our environment.

Mrs. Myers stated that we are not deregulated yet. The PCFA is looking to take some action. There needs to be an immediate plan, a short-term and then a long-term plan. We need to know, so we can answer questions in Trenton. If we can't calm people down, the State may back off.

Mr. Lance asked if the $20 million was a grant or a loan. Mrs. Myers was not sure, but whichever it is, the PCFA needs to justify the amount it requests. She told the PCFA to ask for what they need. By working together, we get the message out clear and straight.

Mrs. Dickey asked if the ballot issue is a bond. Mrs. Myers said not this year, it is an environmental issue and asks for approval to leverage federal funds. The state won't just give money, we need to justify the need and reasons. It is sure that there will be strings if the state gives funds. The State will want to be at the table.

Mrs. Dickey asked if there is a reluctance by the state to sell the plan. Mrs. Myers responded that there may be significant legal and financial liability for Warren County to sell the facilities. She suggested the freeholders work with PCFA and attorneys to answer those questions. The long range options are stronger if we deal with the PCFA and the state in the short term.

The Local Finance Board can impose an EIC. They appear to be serious about doing this, and Mrs. Myers was opposed to A-50 because it gave DCA too much authority. The State looks at $1.7 billion statewide debt, and can't look just at Warren County. This causes problems for state borrowing. She does not oppose the option of selling the facility, but she can't answer the legal questions. There is a need to drop the tip fee if the court decides not to hear the case. So long as the state and investors see movement, things will probably be OK. Once there is a need to start subsidizing, the state would release the money.

Mayor DiMaio asked how the haulers will now set the rates. Mrs. Myers said the rate setting went from BPU to DEP a year ago. Proposed rules have provisions for rate bonding. There is no way to force the haulers to reduce the fees. Rules are temporary until the legislature returns after the election.

Mr. Celentano asked if it is true that even if the bonds are paid off, the EFR will continue to operate. The response was that it is likely that even without debt, the agreement allows for the operations of the EFR to continue for the remainder of the agreement.

Ms. Caldera asked if Mrs. Myers was familiar with the opposition to the ash use, to which the response was affirmative. Ms. Caldera said ash is toxic and we don't want more of it in the county. She expressed surprise that Mr. DiMaio supports the PCFA plan that includes taking ash. We should be talking about closing the facility. The officials need to consider what county citizens are saying. Bringing in 110,000 tons of ash will impact on the environment of the county.

Mr.DiMaio said there is a difference between ash paving near a stream and water plant, and putting it in a facility that is built for it. We didn't make the rules, the rules are changed due to a court decision.

Mrs. Stone said we have been trying to work with PCFA and asking questions and waiting for answers.

Mr. Lance said the debt service is $10 million this year.

Mrs. Myers said there will be strings to the DEP money, and we have to sign on with a plan. Ogden is willing to give some. All is up for negotiations, even the audit recommendations.

There was a discussion regarding having Hackettstown contract for garbage collection rather than individual residents getting haulers.

Mrs. Myers restated her opinion that county residents should not have to end up paying more than at present.

A citizen said there will be a cost. A New York Times article says childhood cancers have increased. We are bringing in more garbage, etc., and it will cause more cancers. We need to shut down the incinerator now. Recycling creates four times more jobs than an EFR, and nine times more jobs than a landfill.

A citizen of Independence Township said we don't want the EFR but if we can pay it off for ten years and then close it, we probably need to work on it that way. Sometimes we just have to suck it up. The options are "pay more taxes". Who runs the show, the PCFA or the Board of Chosen Freeholders? The proposal to privatize extends to more years of operation.

Mrs. Dickey said her proposal was to sell and get out of the garbage business. We have no control over what is in the EFR now. The facility belongs to Ogden-Martin. We don't know if the EFR is a good method of garbage disposal or not.

Mr. McNulty said incineration is a bad deal, not cost effective or safe. PCFA presented an all or nothing plan, and then threatened the freeholders. Mrs. Myers never mentioned the environment in all her presentation, only money. This county made a mistake a decade ago, the worst thing you can do with garbage is to burn it. It creates dioxin, the most dangerous substance known. The citizens are being educated by us, not the PCFA or the freeholders. The EFR had 700 cases of violations and DEP did not sue. Other groups did sue, and are on the verge of a settlement. The people will know what you are up to. You are protecting Ogden-Martin and don't know why.

Mrs. Myers responded that Mr. McNulty wrote one letter and they haven't received anything further since the 1996 primary.

A citizen agreed with Mrs. Myers. He doesn't want people to put words in his mouth. He doesn't see a dramatic cancer rate they were predicting. He wants to see the PCFA and

the BCF work together.

Margo Rinehart said the World Health Organization says dioxin is causing adult diabetes in children. The state did not mandate a specific solid waste management plan and Warren County was probably the first to file. We could recycle, compost and landfill. Morris County does not incinerate. Morris owes $7 million and debt is not a problem. She can't believe that the freeholders signed a contract guaranteeing a profit for 20 years. Are there no clauses to get out? Just for the record, we should be able to close the facility down. We could turn the facility into a source separation facility. It burns items that are recyclable. Some incinerators are being closed across the country.

Other plans to handle the waste stream, the contract with Ogden-Martin is the problem. The reason for a 20 year contract is because they need to be rebuilt after 20 years and it's too expensive to do so. Most of the debt in the state is for incinerators, not the other parts like transfer stations or landfills. There is a way to shut the incinerator. Selling it is the worst thing to do, as you do have some control this way.

Mrs. Dickey said she would prefer no EFR and to have the ability to close it. She is concerned about what comes out of the stack. She does not know why we can't get those reports. She hasn't discussed an environmental audit by an independent source.

Before we make any decisions, we need an environmental audit.

County take-over of High St. and Grand Ave.

Hackettstown Council continues to desire that the county takeover responsibility for these two streets. They offered to switch plowing duties with the county on Willow Grove Street. Mrs. Stone said this has been discussed before, but she will talk it over with the Public Works Committee again. Mayor DiMaio said that if it is snowing, the town plows Willow Grove to ensure ability to get to the hospital. The problem may be more with routing time on the part of the county. We need to find a way to facilitate this swap if the county can work it into their routes.

A citizen said Hackettstown has become the largest economic base in the county but have the least amount of roads. Not only should the county plow it, but they should take them over and maintain and rebuild them. It is more than just efficiency, it is an issue of fairness.

Mr. Sturgis asked why after the wind storm in July, the county did not assist the town. Mrs. Stone responded that the county was never asked. The town never declared an emergency, which is necessary to access county and state assistance. The response by the state is being investigated as there should not have been state assistance without the declaration of an emergency.

There was a question about the county assumption of general assistance which was addressed by Mr. Dinger.

Dave Dech mentioned the cross-acceptance meeting in Mansfield on October 16th. He also reported that next spring the county will do a traffic study for Route 57 and 186 corridor using federal funds. A study will include a by-pass.

Mayor DiMaio asked about the status of a regional center designation. Mr. Dech said it may take another six months to get approval. The draft was submitted to the state and they sent it back with comments and required additional staff work.

Mayor DiMaio thanked the freeholders for visiting and expressed appreciation for the

installation of guardrail after the last meeting brought it up as a topic.

RESOLUTION APPROVING THE PARTICIPATION AGREEMENT ALLOWING WARREN COUNTY TO BECOME A PARTICIPANT IN THE LOAN MADE BY THE PHILLIPSBURG NATIONAL BANK AND TRUST COMPANY TO MANHATTAN BAGEL (ROBAR OF NEW JERSEY, INC.)

There was no motion on this resolution. Mr. Lance said he still has questions about procedures. The manual does not address these issues. Mrs. Stone said they were at the meeting last week and said they are on a time limit. Mr. Lance indicated that the rules do not refer to expanding the business. Mrs. Stone responded that this is a revolving loan fund and this is what the money is intended to do.

Mr. Lance felt we need to have the manual amended first. Mrs. Dickey agreed. There are problems with the procedures and with the agreement itself. The agreement is with the bank, so we don 't know who we negotiate the rate with. She thought we had decided to hold up until the procedures are in place.

Mr. Lance said the application doesn't reflect jobs for low/moderate income people. Mrs. Dickey stated that this agreement does not fit in with the procedures.

Mrs. Stone stated that this process has been in place since 1990 and presented no problem until now. We need to support economic development and this company is on a time constraint.

Mr. Lance thought we need to amend the procedures manual first. Mrs. Dickey said Mr. Miers' memo says more work on the procedures needs to be done.

Mrs. Stone reminded Hackettstown that they need to provide a report on emergency management by October 8th to receive the $4,500 funding for the year.

Mrs. Stone thanked the town for hosting the meeting.

On motion by Mrs. Dickey, seconded by Mr. Lance, and there being no further official business to come before the board at this time, the meeting was adjourned at 9:50 p.m.
ROLL CALL: Mr. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes