

February 2, 2023

The February 2, 2023 meeting of the Warren County Solid Waste Advisory Council was called to order at 7:30 p.m. by Chair Ellen Nerbak and was conducted in person at the Warren County Technical School John LaPorta Performing Arts Center. SWAC members present were Thomas Fey, James Banta, Gregory Gaertner, Linda Gabel, Lynn Rutkoski, Joseph Watters, Donald Niece, Ingrid Gray, Robert Finke, Janice M. Lee, James Smith, Debbie Pasquarelli and Ellen Nerbak. The Chair confirmed the presence of a quorum. She noted that Joseph Watters would not be participating in the Vivaria discussion and he did not sit at the dais. County staff attending were Solid Waste Coordinator/Planning Director David Dech; Assistant Planning Director Ryan Conklin; Public Health Department Chris McCormick; and Matthew Moench, Esq, counsel to the Planning Department.

Also in attendance were the applicant and professionals to include Christina PioCosta-Lahue, owner applicant Vivaria Ecologics, Mark Peck, Esq, and Wayne DeFeo, consultant for Vivaria; Daniel Marchese, Esq., attorney for New Jersey Land and Community Preservation Alliance.

MINUTES

The minutes of the November 3, 2022 meeting were reviewed. With no additions or corrections, it was MOVED by Mr. Finke to approve the minutes of November 3, 2022, seconded by Mr. Fey. All in favor with one abstention . So moved.

CORRESPONDENCE

None

COMMITTEE REPORTS

Solid Waste/Recycling

Mr. Dech reported a paper shredding event is planned for June 24, 2023, from 8:00 a.m. to 11:00 a.m. at the Wayne Dumont Building. Mr. Dech reported a scheduled collection date has not been set yet for the Spring; it is usually held in late April. An announcement will be made when a date is set.

REHS

Mr. McCormick said he had nothing to report at this time.

PCFA

No one present.

NJDEP

No one present.

County Commissioners

No one present.

OLD BUSINESS

Report and Recommendation of Sub-Committee on Vivaria Ecologics LLC

Mr. Dech reported the subcommittee reviewing this application met four times; all reports and presentations made were reviewed. The subcommittee formulated its recommendations and reported its decision against recommending approving the inclusion of Vivaria as a food waste compost facility into the Warren County Solid Waste Management Plan. The Resolution explains the evaluation criteria;

there were no questions of the subcommittee. Mr. Finke MOVED against recommending approval of the application, seconded by Ms. Gabel. A vote of the members showed 11 in favor of the Resolution, no negative vote, one abstention (I.Gray) and one recusal (J.Watters). With no corrections or abstentions, members present were in favor and the motion carried.

NEW BUSINESS

Reorganization

Ms. Nerbak recited the officers for the preceding year were Ms. Nerbak, Chair; Mr. Niece, Vice Chair; Mr. Fey, Secretary. Mr. Finke re-nominated the current slate of officers, seconded by Mr. Fey. With no corrections or abstentions, all were in favor and the motion carried.

2023 Meeting Dates

Ms. Nerbak reported the Commissioners have approved the revised bylaws that were approved by SWAC in June 2022 that called for four scheduled meetings instead of six during the year. If the Commissioners approve the bylaws the months selected for meeting will be June, September, November and February. Otherwise the meeting dates set for the coming year are April 6, June 1, September 7, October 5, November 2, 2023 and February 1, 2024.

Public Comment

Linda Sears of Washington Borough questioned the procedure for the Resolution which rejects the application and not include the waste composting center in the Solid Waste Plan. Mr. Dech explained that if the applicant wishes to appeal, the next step is a written appeal to the Commissioners, at which the Commissioners will decide to agree with SWAC's recommendation or not. Mr. Moench explained that if the applicant appeals, the Commissioners can call for a formal hearing and then take action. Since the appeal process is not written in rules or regulations the Commissioners will work through the appeal process. But the first next step is that the applicant must make the appeal in writing. There is no written time for when the appeal must be made but it must be within a reasonable amount of time, 30 to 60 days is often considered customary. Asked if such an appeal would be posted on the County website, the response was affirmative.

REMARKS FOR THE GOOD OF THE ORDER

Ms. Nerbak reminded the next SWAC meeting date is April 6.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Ruth A. Panté, Clerk

**Next meeting date:
April 6, 2023**