

BOARD OF COMMISSIONERS MONMOUTH COUNTY

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REGULAR MEETING FOR:
November 10, 2024

TRANSCRIPT OF
PROCEEDINGS

Thursday, November 7, 2024
12:30 p.m.

BEFORE:

COMMISSIONER DIRECTOR ARNONE
COMMISSIONER DIROCCO
COMMISSIONER KILEY

ALSO PRESENT:

TAMARA BROWN, Clerk
TERRI O'CONNOR, County Administrator
MICHAEL FITZGERALD, County Counsel

1 A P P E A R A N C E S:

2 SILLS CUMMIS & GROSS

One Riverfront Plaza

3 Newark, New Jersey 07102

973-645-7000

4 BY: FRANK VITOLO, ESQ.

Attorneys for the Applicant Resource Recycling LLC

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7 MICHAEL LIGORANO, ESQ.

Attorney for Mazza Recycling

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9

10 ARCHER & GREINER

10 NJ 35

11 Red Bank, New Jersey 07701

BY: JASON SENA, ESQ.

12 Attorneys for the County

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15 SCARINICI HOLLENBECK

150 Clove Road

16 Little Falls, New Jersey 07424

BY: WILLIAM SULLIVAN, JR., ESQ.

17 Ocean County Landfill Corporation

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1 MR. FITZGERALD: So the Commissioners
2 know that all of the attorneys involved in the
3 process have been in touch with Mr. Sena.
4 I also know that he had distributed an email to
5 all counsel and part of that was admittedly at
6 my behest was to make sure all of the attorneys
7 involved understood the process would be a
8 presentation to all of you and hopefully will
9 be in abbreviated fashion with the rules of
10 evidence normal rules of evidence relaxed,
11 rules of civility are not so I would ask you to
12 comport yourselves accordingly.

13 This would be a presentation that we
14 anticipate having a hard stop today at 3:30.
15 If we continue past that I'm hopeful that the
16 Applicant and anyone else who wishes can be
17 heard will complete that.

18 Jason has also provided the email to all
19 counsel including pictures of this room and the
20 reason for that was to provide an opportunity
21 to see the setup that there was a place for the
22 Applicant and or anyone else who wish to be
23 heard have witnesses who could be sworn if
24 necessary and also provide testimony to this
25 Commissioner Board for consideration of the

1 amendment of the SWAC application and that was
2 done for all of the lawyer due process to make
3 sure everybody had an understanding what it
4 was. To my understanding there was no
5 objection to that and the presentation in this
6 form was considered appropriate.

7 Mr. Sena has also been kind enough to
8 put together binders which are now provided to
9 you. Those contain much of the information.

10 DIRECTOR ARNONE: This one here?

11 MR. FITZGERALD: Yeah. That's fine. I
12 will also indicate that for the record and I
13 apologize for not knowing I should know. Is
14 Mr. Ligorano here?

15 MR. LIGORANO: Yes, I am.

16 MR. FITZGERALD: Michael, how are you?

17 MR. LIGORANO: I'm fine. How are you?

18 MR. FITZGERALD: Mr. Ligorano provided a
19 letter day before yesterday and it was a in
20 response to other things certainly appropriate
21 and for the record, Mr. Ligorano, so you are
22 aware I provided a copy of the letter to the
23 Commissioners. I took the attachments off of
24 the letter that's been provided to them and
25 that was done. I just didn't want to have any

1 prior consideration until we had the Applicant
2 have an opportunity to be heard and maybe
3 Mr. Sena. I have copies of those to be
4 presented to them.

5 MR. LIGORANO: That's fine, Counsel.

6 MR. FITZGERALD: Out of abundance of
7 caution.

8 MR. LIGORANO: No problem.

9 MR. FITZGERALD: My old trial days I
10 didn't want to have anything admitted.

11 MR. LIGORANO: I am just a country
12 real estate lawyer so you have no problem with
13 me.

14 MR. FITZGERALD: And the Commissioners
15 will understand anyone who starts that way
16 isn't. So the Applicant and anyone else
17 involved is aware of it. If we run into our
18 time limit then we'll certainly continue to
19 another day as we would do in any other
20 function.

21 DIRECTOR ARNONE: Let's hope we don't go
22 over.

23 MR. FITZGERALD: We will continue as
24 needed if there is more opportunity so that
25 everyone can be heard as the three

1 Commissioners are aware and Mr. Ligorano I'll
2 wait for your presentation to distribute this
3 to the Commissioners.

4 MR. LIGORANO: That's fine, Counselor.

5 MR. FITZGERALD: You will be hearing
6 from the Applicant. You'll be hearing from
7 anyone else who wishes to be heard. The itself
8 will be run by Mr. Sena. He serves as Special
9 County Counsel for the County on this
10 particular Applicant. Also here is the County
11 Representative of the Sold Waste Advisory
12 Council. I asked him to be here as well if a
13 question arises as to it relates to SWAC and if
14 any questions arise both Mr. Sena and myself
15 will serve as your County Counsel and we will
16 jump in as needed and I don't know that there
17 is any other housekeeping.

18 MR. SENA: I will just state for the
19 record the Notices that were given.
20 Commissioners, this was a continuation of the
21 Public Hearing that began on August 22nd. At
22 that meeting I've placed all of the extensive
23 Public Notices on the record during that
24 meeting but I'll do it again just for the sake
25 of it. Let's see here.

1 MR. FITZGERALD: Do all Counsel consent
2 Notice was properly given?

3 MR. SENA: Yeah. I want to put it on
4 the record. Notice of this Public Hearing was
5 published in the Star Ledger on July 22nd, the
6 30th, August 8th 2024 and the Coast Star on
7 July 26, August 15th 2024. It was further
8 posted on the bulletin board in the Monmouth
9 County Hall of Records and transmitted to the
10 Monmouth County Clerk into the Howell Township
11 Environmental Commission on July 1st 2024.

12 Further physical Notice was posted at
13 the following locations in Howell Township on
14 July 22nd. ShopRite located 4594 U.S. Route 9.
15 The Howell Library located at 318 Old Tavern
16 Road. Stop & Shop located 4861 U.S. 9 and the
17 continued presence of said Notices was
18 confirmed by visual observation of the
19 Applicant on July 26, 29th and August 2nd 2024.

20 As I mentioned earlier this Hearing
21 actually began on August 22nd 2024 at your
22 regular meeting. It was continued on various
23 dates until today which is also duly Noticed.

24 DIRECTOR ARNONE: Okay.

25 MR. SENA: The way that I suggest we

1 conduct the Hearing in a similar fashion how
2 the SWAC hearing has conducted the Applicant
3 has an opportunity to present their case and
4 their witnesses. Folks from the public and
5 anyone that wishes to ask questions of the
6 Applicant's witnesses and then there were two
7 written objections filed one by Mazza Recycling
8 Services and one by Ocean County Landfill
9 Corporation.

10 Those written Objectors pursuant to DEP
11 regulations have the opportunity to make a
12 presentation before the Commissioners and make
13 closing remarks before deliberation.

14 DIRECTOR ARNONE: Okay. Let's get
15 started.

16 MR. SENA: Mr. Vitolo, the floor is
17 yours.

18 MR. VITOLO: Good afternoon,
19 Commissioners. My name is Frank Vitolo and I
20 am with the law firm of Sills, Cummis and
21 Gross. I represent the Applicant Resource
22 Recycling LLC. I first thank you for hearing
23 us today. In 2017 we made it as far as the
24 hallway but we never actually got in the
25 chamber so my clients who Mr. Gelbwachs is

1 sitting here. The rest of the partners in the
2 back. They started this process if you recall
3 2015 and we got as far as SWAC in '17. SWAC
4 approved the project and then there was some
5 concerns raised by Howell and by this Board and
6 I'm not going to go into the gory details.
7 There was a lot of twists and turns in this
8 litigation but we are here today.

9 And what's remarkable about the length
10 of this process is just how unremarkable this
11 application is. My client is already operating
12 a solid waste facility at this property and
13 they're simply seeking to move certain
14 operations indoors which is certainly a
15 benefit. There are also installing a traffic
16 signal which you'll hear from my traffic expert
17 is a benefit. We're also going to be phasing
18 out certain Class B operations on the site
19 involving wood and brush and focusing on what's
20 called Type 13 and Type 13C waste which is
21 appliances, construction debris which my
22 clients believe there's more demand for those
23 types of services.

24 So as you're going to hear from my
25 witnesses here and actually let me put some

1 documents. I know you have your binders and you
2 have a lot of materials in there but what I like
3 to do is I have a couple exhibits I want to give
4 them to you guys and just point out a few things
5 so we can make this a lot quicker you know
6 flipping around in your binders or anything like
7 that.

8 So, Mr. Sena, if you would please agree
9 I have marked Exhibit A-1 that I'd like to give
10 to the Commissioners.

11 MR. SENA: Is it something that's
12 already in the binder?

13 MR. VITOLLO: Yes. These are the
14 Settlement Agreement with Howell.

15 MR. SENA: So this is what the
16 Applicant's Attorney is referring to is an
17 attachment to Exhibit 1 I believe, right, it's
18 an attachment to your application.

19 For the record it is already appended to
20 Exhibit 1 which has been premarked but you're
21 separately marking it A-1.

22 MR. VITOLLO: A-1 for our presentation,
23 yes. The two things that I mentioned before,
24 Commissioners, we were lacking back in '17. The
25 first thing that we were lacking is and I don't

1 know if you guys were around but there was an
2 email from the Mayor you know taking objection
3 to certain things about the project and we have
4 worked extraordinarily hard over the last couple
5 of years to come to an agreement with Howell and
6 that agreement is contained in this document
7 before you. This is a Settlement Agreement that
8 we negotiated with Howell. If you go to the
9 last page of this document you'll see it is
10 signed by Mayor Berger. This is also authorized
11 by Resolution. I'm going to give you a copy of
12 that as well.

13 What's important about this Settlement
14 Agreement is that it really is the bones for
15 what conditions under which the residents of
16 Howell and SWAC agree to allow us to proceed and
17 those conditions are on Page 3 of this document.
18 You'll see it's called Revised Project Terms and
19 these Revised Project Terms are very detailed as
20 to what Howell and ultimately what SWAC believed
21 were reasonable conditions under which to
22 operate the facility.

23 For example, you will see in i on Page 3
24 the hours of operations 7 to 3 half day on
25 Saturday. D there would be no outside loading

1 or unloading of trucks. Then you'll also see it
2 relates to how many average trucks 80 trucks per
3 day. Trips per day. You'll see the size of the
4 facility, et cetera, so these are all conditions
5 that were highly negotiated and that Howell
6 agreed upon and then I also want to draw your
7 attention to the next page on Page 4 n at the
8 top you'll see that part of this negotiated
9 agreement with Howell involves payment of a host
10 fee and typically a host fee is around you know
11 50 cents. A dollar. This is \$5 per ton that
12 we're paying to Howell. That is a very, very,
13 general generous host fee for Howell.

14 We've also agreed to accept certain
15 waste at a discount 50 percent discount and also
16 accept for free certain types of Type 13 and 13C
17 waste and we've agreed to give them \$50,000 in
18 open space fund among other things so that was
19 again all negotiated with Howell.

20 I want to just read to you on Page 5 you
21 know it's come up during some of our other
22 hearings and discussions in this case exactly
23 what position Howell has taken and I'm just
24 going to quote for you this is on Page 5 in the
25 middle of the page it says, quote, The Project

1 as envisioned in this Agreement is acceptable to
2 the Township because it greatly enhances the
3 financial benefits of the community, signalize a
4 busy intersection, minimizes negative impact by
5 processing only non-crucible waste, does not
6 substantially add to vehicle transits, assists
7 in recycling Type 3 and Type 13C waste, is sited
8 in a nonresidential area and represents an
9 overall more beneficial endeavor to the Township
10 than the prior project. That really
11 encapsulates the entire argument that we were
12 making in this case and why I believe that we
13 got the approval of SWAC or the recommendation
14 of SWAC to move forward.

15 Mr. Sena, I just want to mark as A-2 and
16 I'm not going to ask to talk about this
17 document. I just want to make sure this is on
18 the record. This is the Resolution from Howell
19 authorizing them to sign the Settlement
20 Agreement. Again that's A-2. It's self
21 explanatory. It just states that the adoption
22 of the Settlement Agreement is appropriate and
23 in the best interest of Howell.

24 Next, Commissioners, the next important
25 part from this process was that we presented our

1 case to SWAC and we presented our case to them
2 through expert testimony. We had a traffic
3 expert and a civil engineer. We also heard
4 testimony from our one of our clients on
5 operations and the SWAC members actually asked
6 and took a walking tour of the facility so we
7 had them out. They came out. We had boards
8 with the project up. They walked all around and
9 we explained how we anticipated the operations
10 to occur on the site.

11 SWAC of course is made up of people who
12 know this business and they know the industry so
13 they asked a ton of great questions and then
14 after that process they had a meeting took a
15 vote and they ultimately approved or approved to
16 recommend this 4 to 1 was the vote and after
17 that vote they went back on the record at a
18 separate meeting and stated all of their reasons
19 for why they voted in the way they did and so
20 what I'm marking next is a copy of the
21 Resolution recommending the project and then
22 again this is just for the record this is A-3,
23 Mr. Sena.

24 MR. SENA: This is already in the
25 binder.

1 MR. VITOLO: Yes.

2 MR. SENA: Premarked Exhibit 10.

3 MR. VITOLO: And 1 on Page 1 of this
4 Resolution it states that Resource to abide by
5 all conditions set forth in the Settlement
6 Agreement between the Township of Howell and
7 Resource. So again that Settlement Agreement
8 really does contain the guts of the deal that we
9 struck here and then I also want to show you
10 next this is the meeting I just referenced where
11 reasons were placed on the record for why they
12 were voting to approve and, Mr. Sena, this is
13 A-4. This is a copy of the transcript from the
14 SWAC meeting that occurred on October 8th of
15 this year.

16 MR. SENA: This is also already in the
17 binder that same transcript, right, Mr. Vitolo?

18 MR. VITOLO: Correct.

19 MR. VITOLO: And, Commissioners, look, I
20 have to make a record here so I'm going to read
21 to you what the reasons why for the
22 Commissioners I mean for the SWAC Commissioners.
23 It's not long but I just want to get you a feel
24 of why they thought that this project was
25 acceptable from the view of professionals in the

1 industry, okay? First Mr. Boodey. He is one of
2 the SWAC Commissioners. Here's what he said.
3 He said, First the signed Settlement between the
4 Township of Howell and Resource Engineering
5 includes the following possible incentives for
6 the Township. Howell Township receives a host
7 community tax at \$5 per ton with yearly
8 increases. I didn't mention that. There's
9 actually a yearly increase on the fee as well.

10 Resource Engineering agrees to accept a
11 thousand tons of Type 13 and 13C waste from
12 Howell each year free of charge. Resource
13 agrees to accept 5,000 tons of IE 23 waste from
14 Howell free of charge.

15 Resource Engineering agreed to install a
16 traffic light and widen roads at the
17 intersection of County Road 547 and Randolph
18 Road bringing the service level from the current
19 F rating to a more improved service Level B
20 rating. Resource agrees to start by accepting
21 average of 680 tons of Type 13, 13C waste and
22 working with the Township to increase that
23 amount.

24 Resource agrees to contribute \$50,000 to
25 the Township's open space fund, enhance capital

1 improvements at the site including a brand new
2 36,000 square foot transfer station which is
3 over there where all operations will occur
4 except for the wood recycling and trucks which
5 can manage up to 20 vehicles.

6 And you're going to hear from our
7 traffic expert. One of the really important
8 issues is that we heard from residents of Howell
9 was we don't want trucks on the road. We want
10 enough space so that the trucks if they queue
11 queue interior to the site so as you'll hear
12 from my guys they created an interior roadway
13 that can queue up to 20 trucks so we don't
14 envision any trucks queuing on the road for this
15 project.

16 And again SWAC Commissioner Branch had
17 similar comments. He said I believe the plan is
18 consistent with the Monmouth County Solid Waste
19 Plan. Commissioner Reinforth had similar
20 comments. He said upon listening to all
21 concerned objectors and interested citizens I
22 foresee that the County of Monmouth and its
23 residents will benefit by more competition not
24 less considering the residential growth trend
25 and the market will determine their viability.

1 Commissioners, there have been some
2 objectors in this case. Not surprisingly they
3 are competitors and I would submit to you the
4 reason for their objections is they don't want
5 the competition and so you'll see this thread
6 throughout their paperwork that they submitted.
7 They make some technical arguments but at bottom
8 what they say is there's no need for the
9 facility.

10 If that were the case, Commissioners,
11 and this is right off of Mazza's website they're
12 doing better every year and I showed this chart
13 to the SWAC Commissioners. This shows their
14 business it's going up every year.

15 MR. SENA: What is that document?

16 MR. VITOLO: I'll mark it. This is A-5.
17 This is a printout from Mazza's public website
18 and you know you can't have it both ways. You
19 can't say that there's no need for our facility
20 and then show that your business is going up
21 every year. There is need and as these SWAC
22 Commissioners said and they also agreed that
23 competition is better not worse.

24 MR. SENA: I don't want to interrupt
25 your flow. You marked that exhibit.

1 MR. VITOLO: Yes.

2 MR. SENA: When was the printout in the
3 website taken?

4 MR. VITOLO: So we used that at the SWAC
5 hearing. I pulled another copy today so you can
6 mark it.

7 MR. SENA: Do you have extra copies of
8 that document for the Commissioners?

9 MR. VITOLO: After all of the evidence
10 was submitted both at Howell and by the way we
11 had a very comprehensive long meeting before
12 Howell. A public meeting. All the public got a
13 chance to speak, ask questions, they asked
14 questions of our witnesses and after all of that
15 the Howell committee voted to approve this
16 agreement and approve this settlement so as you
17 will hear and I'm going to call my two witnesses
18 now we submit to you that unless we're missing
19 something Howell, SWAC, they all believe that
20 given all the hard work we've done and the
21 conditions that have been imposed that this is a
22 net benefit and acceptable project and it should
23 be included in the solid waste plan.

24 I have not seen anything pointing to the
25 contrary other than competitors who don't want

1 competition. That's essentially where we are
2 with this application. So first I would like to
3 call our civil engineer. This is Mr. Pat Ward.
4 Are we going to swear him in?

5 MR. VITOLO: Yes. Patrick Ward.

6 Patrick Ward sworn.

7 DIRECT EXAMINATION BY MR. VITOLO:

8 Q. Mr. Ward, could you just give the
9 Commissioners the benefit of your experience and your
10 licensures?

11 A. Sure. So I'm with Insite Engineering
12 located in Wall Township. I've been with the firm 15
13 years. I've been working on this application for
14 eight plus years so the majority there. I have a
15 Bachelor of Science in Civil Engineering from Drexel
16 University licensed Professional Engineer for just
17 over 11 years. Hopefully that's the extent.

18 Q. And have you provided testimony before
19 land use boards and other boards relating to civil
20 engineering?

21 A. I have. Numerous throughout Monmouth
22 County and other Counties throughout the State of New
23 Jersey.

24 MR. VITOLO: Mr. Sena, I would ask Mr.
25 Ward then qualified as an expert in civil

1 engineering.

2 MR. SENA: Any objection? I would
3 submit he be qualified as an expert.

4 MR. FITZGERALD: Mr. Ligorano, no
5 objection?

6 MR. LIGORANO: No objection.

7 Q. Mr. Ward, you've reviewed the plans or
8 you've prepared the plans for this project, sir.

9 A. That's correct.

10 Q. And you've reviewed the other
11 information that's available in the file?

12 A. Correct.

13 Q. And I believe you have a summary of your
14 review of this project from a site civil perspective.
15 Is that correct?

16 A. I do. I'd like to walk the
17 Commissioners through that briefly if I can.

18 Q. Sure.

19 A. So just to kind of orientate everybody
20 the property is 34 Randolph Road. It's at the
21 intersection of Randolph Road and Lakewood
22 Farmingdale which is County Route 547. Block 5, Lot
23 4. We are in the Township of Howell of course. The
24 site itself is just over 10 acres and today if you
25 had a chance to drive by it per chance it's operating

1 today as a recycling facility which is an outdoor
2 wood recycling facility. Mulch operations, grinding
3 the like has been happening outside. Footprint of
4 the site is about three quarters of it is material
5 and operations.

6 The easterly side where the JCP&L right
7 of way is is limited topsoil operations currently
8 which is regulated in that classification. So what
9 we're proposing to do is take that Class B operation
10 and on one of the boards behind Mr. Vitolo that kind
11 of brown color is what the final sorry for the green
12 light there, Frank.

13 MR. VITOLO: No. I hit my head on the
14 desk.

15 A. The brown color off to the left is
16 really where we're going to condense the Class B
17 operations. The outdoor activities will be condensed
18 to a much smaller footprint less than half the site.
19 We're seeking inclusion into the County plan for a
20 solid waste transfer station to replace the rain in
21 areas and what we're proposing here is a thousand
22 tons per day as a daily capacity for Type 13C and
23 Type 13 waste. The material will be sorted inside
24 the main building and either recycled onsite or
25 transported offsite to an end location.

1 The existing Class B approval and
2 inclusion is proposed to remain unchanged except for
3 the reduced is footprint. Starting in 2015 as Mr.
4 Vitolo stated we began work on this project and over
5 the years we've been working with the Township of
6 Howell and the Solid Waste Advisory Council to
7 address any and all concerns they have with the
8 project, the operations and anything else to this
9 point. As Mr. Vitolo stated an Agreement was
10 established with the host community with several
11 conditions.

12 SWAC then proceeded amended request for
13 inclusion this year and after a public meetings
14 recommended approval and inclusion in the County plan
15 so that brings us here at this meeting of the Board.

16 I'll start with site selection and
17 location. Several factors were considered by the
18 Applicant when selecting the site for the new
19 proposed transfer site facility. First is location.
20 It's in an industrial zone in Howell Township. It's
21 the SED 2 zone. Types of uses permitted are
22 warehouses, industrial uses, something that is not
23 unlike this. Obviously solid waste preempts the
24 Municipal Land Use Law but similar uses in terms of
25 impact.

1 Lakewood Farmingdale Road as you know is
2 a County road that has access to 195 about three-plus
3 miles to the north of this facility and again just
4 looking at the site as it operates today. Today it's
5 nearly fully covered by Class B wood recycling
6 operations. We're seeking to condense those outdoor
7 operations and with this new facility we are mandated
8 and required to do all sorting and inside the
9 building.

10 So today there exists formerly single
11 family dwelling now used as the office and a garage
12 for the Class B operation. All site improvements
13 physical improvements will be removed and razed. The
14 proposed facility here we're proposing a 36,000
15 square foot transfer station building where the
16 sorting will occur. There is also just under 9,000
17 square foot office and maintenance building proposed
18 as well and a detached scale house with three scales.

19 Driveways, parking areas and walkways
20 are proposed to accommodate the operations of the
21 facility. At every entrance or exit to Randolph Road
22 lock in gates will be provided for security purposes.

23 The site will be landscaped at the
24 entrances and around the building. Office building.
25 In a manner consistent with the typical Howell

1 Township requirements. There is an existing
2 landscape berm and buffer that exists around the site
3 that will remain as is and will be supplemented. All
4 pavement areas will be adequately lit and consistent
5 with the Ordinance of the Township of Howell.

6 As part of this application the
7 Applicant's proposing to rectify existing traffic
8 concerns at the intersection of Lakewood Farmingdale
9 Road and Randolph Road. We have a traffic engineer
10 who will be happy to explain what the existing
11 condition is in terms of traffic but what we're
12 proposing is to do is provide a traffic signal where
13 there is a stop sign there now. Dedicated turn lanes
14 off Randolph Road will be provided and the ultimate
15 design of that and all of those improvements will be
16 fully engineered and improved by the County and the
17 Township by their review.

18 Another benefit here along the frontage
19 of our site Randolph Road will be physically widened
20 to provide a shoulder where one doesn't exist today
21 and the road will be repaved again to accommodate the
22 Township's Master Plan goals.

23 In terms of operation the anticipated
24 source material here is Monmouth County. Recyclable
25 wood and concrete material extracted from the

1 incoming waste stream will be transferred to the
2 Class B area for recycling. The goal here by the
3 Applicant is to come full circle with the waste
4 stream and recycle as much as possible on the site.
5 Other process material will be transferred to
6 appropriate enduser for recycling or disposal.

7 It's important to note again the
8 operations associated with the transfer station will
9 be internal to the building. Today all the
10 operations are outside for material tipping, all the
11 equipment, processing of the wood materials, et
12 cetera, but the new facility the tipping and sorting
13 of material must be internal of the building.

14 Overall considering the effort spent by
15 the Applicant SWAC and the host municipality Howell
16 Township to get to this point and again in brief
17 summary that includes full compliance with the
18 established agreement with Howell Township. They
19 will produce requested capacity daily of the Facility
20 and the limitation of accepting Monmouth County
21 waste.

22 We feel that this Facility will be an
23 aesthetic improvement to the site itself. Will be a
24 benefit to Howell Township and ultimately a benefit
25 to the County Solid Waste Management Plan. That is

1 what I have.

2 Q. Mr. Ward, just if you could on the
3 rendering if you could walk over and just identify
4 for the Commissioners the different parts of where
5 you know the building, the office and just the
6 roadway interior roadway just so they?

7 A. Yeah. So we're looking southwest here
8 so really it's pointing this way and this is the main
9 facility, the main 36,000 square foot building and
10 here's that 9,000 square foot office and maintenance
11 building. This is intended to represent Randolph
12 Road. This is the landscaped area between our
13 internal queuing lane and as you could see on our
14 colored rendering we come in here at more at the
15 center of the property there is a very long queuing
16 lane to get into the scale house which is really like
17 the entrance to the Facility. That was done
18 purposefully again to avoid any queuing trucks on
19 Randolph Road where they can't exist.

20 So generally speaking right now if you
21 happen to be by the site in the last day or several
22 years this rendering concept rendering is clearly an
23 upgrade and to what's going on there now which is all
24 outdoor recycling operation. There's nothing wrong
25 with it. It's a necessary thing we have to do.

1 MR. VITOLO: We don't have any more
2 questions for this witness. I'm absolutely
3 happy to answer questions.

4 MR. DIROCCO: I'm just curious of a
5 overview of the site. Can you give us a little
6 color on the surrounding uses? Surrounding
7 blocks and lots and what's in the area?

8 THE WITNESS: Sure. So like I said
9 we're in the SED 2 zone. Howell within the last
10 year or two changed the zoning but not much
11 slight designation. Across the street at the
12 other opposite corner is a mixed office/light
13 industrial use. Directly across the street is a
14 landscape yard Pillari if you know the name.
15 Also across the street large frontage newly
16 constructed 110, 120 square foot warehouse.

17 As you go further to the northeast
18 there's Arnold Steel which is an industrial
19 operation. There is a dwelling there as well in
20 between Arnold Steel and Randolph Road
21 warehouse. To the east of us is a 300 acres of
22 undeveloped space. I believe there's going to
23 be a public utility going in there associated
24 with electric. The Laraby substation is to our
25 south so that 300 acres was slated for another

1 type of development that didn't make it. Yeah,
2 that's just generally the nature of what's
3 immediately surrounding.

4 MR. DIROCCO: That's JCP&L property.

5 THE WITNESS: Yes.

6 DIRECTOR ARNONE: Jason, would this be
7 the time to ask a few questions of Counsel or
8 there or you should I do that at the end?

9 MR. SENA: You can ask questions as we
10 go along.

11 DIRECTOR ARNONE: Even if that witness
12 isn't up there and another one comes?

13 MR. SENA: Yeah. If you have questions
14 for Mr. Ward relating to engineering now would
15 be the appropriate time to ask those.

16 DIRECTOR ARNONE: Talk about I guess
17 traffic wise you know just write myself a few
18 notes as both of you were talking here. Talk
19 about I think you max'd it out at 80 trucks a
20 day that you would have.

21 MR. VITOLO: Commissioner Arnone.

22 COMMISSIONER ARNONE: Correct me if I'm
23 wrong.

24 MR. VITOLO: We have a traffic expert.

25 COMMISSIONER ARNONE: So that would be

1 then.

2 MR. VITOLO: Yeah. They're going to
3 answer those questions.

4 MR. DIROCCO: Just to be clear the
5 Agreement I saw says you expect 80. It doesn't
6 say you max out at 80 trucks.

7 MR. VITOLO: Yeah. No. It's an average
8 of 80 trucks per day so some days there will be
9 more than 80. Some days there will be less.
10 It's an average of 80 trucks.

11 DIRECTOR ARNONE: I was getting there.
12 I was looking at the amount of tons that you
13 were projected to get and I was going to get to
14 the size of the trucks you were going to have
15 there but can I go back to the Agreement with
16 Howell, okay, and I guess I'm the only Member
17 that was here in at that period of time when the
18 first I guess application came and for whatever
19 reason we're still here in 2024. I'm here.

20 With that being said I just like to know
21 at that period of time I received I didn't
22 receive any agreement or not me Commissioner of
23 the Board Freeholder Board did not receive any
24 agreement like you just stated you know some of
25 the agreements of what you're going to pass onto

1 Howell there and so at that period of time but
2 what I did receive I received a letter stating
3 that they weren't in favor of it at that time,
4 okay, and I just wonder here because it was a
5 very nice generous contributions and all of the
6 items that you're going to give to Howell
7 Township would that have anything to do with why
8 they have a change of mind and no disrespect to
9 Howell you know they are a town here in Monmouth
10 County but you know that's a financial gain to
11 them that obviously they're seeing.

12 Prior to that I did not see that
13 financial gain and at that period of time they
14 were against the project so was it because of I
15 guess in layman's terms you know you sweeten the
16 pot so now they're in agree with it which
17 ultimately potentially I'm sure the traffic
18 expert will clarify that but show that there's
19 going to be a major impact to the County and you
20 know no disrespect to Howell that they were just
21 caring about the financial gain to them.

22 MR. VITOLLO: Yeah. So every host town
23 is entitled to a fee. This fee was negotiated
24 but every host community is entitled because
25 there's impacts on a community.

1 DIRECTOR ARNONE: I'm aware of that.

2 MR. VITOLO: Impacts on the community
3 that others don't bear so of course and we did
4 negotiate, for example, the open space payment.
5 I mean I do redevelopment and development
6 projects all over the state and I got one
7 tonight too and as part of my projects that is a
8 typical agreement.

9 DIRECTOR ARNONE: No. No. I guess
10 maybe you're confusing what I'm saying. I
11 totally agree with the agreements and we as you
12 know we own Monmouth County Landfill so we have
13 a host agreement with Tinton Falls so I'm very
14 aware of it and I'm in my private there. This
15 is not my full time job thank God and I do and I
16 know the development pretty well there so I
17 understand that but what's a little confusing to
18 me is that they were so extremely opposed to
19 this before and I saw no really agreement and
20 now you show a very you know good agreement for
21 Howell Township and now they're onboard.

22 MR. VITOLO: So not to dig up old bones
23 but you asked the question.

24 DIRECTOR ARNONE: Dig them up.

25 MR. VITOLO: Before the Mayor issued her

1 email the BA had written a letter in support so
2 there wasn't this vociferous objection until the
3 Mayor sent her email. I don't know if she was
4 traveling or something. I don't know the full
5 story. But before that we did have.

6 DIRECTOR ARNONE: Are you talking about
7 in 2015?

8 MR. VITOLO: Yes. We did have an
9 agreement from the BA at least. This is all
10 litigation by the way so there's all sorts of
11 nonetheless.

12 DIRECTOR ARNONE: Just to be clear on
13 the record because we're digging up bones like
14 you said. Quite frankly I'm not going to take
15 and I don't want to speak for the rest of my
16 Committee but I would never take a letter from a
17 BA and I understanding the BA is no longer there
18 maybe part of that reason why that's a decision
19 made by the Mayor and Council that's why you're
20 lacking there.

21 I didn't want to bring that up because I
22 knew that happened but I didn't want to go back
23 that far but since you brought it up I engaged
24 with it there.

25 MR. VITOLO: I'll flip it on you. Were

1 they at least for the right reasons? Overall
2 look you asked what was in the mind of Howell in
3 making this Agreement. Okay?

4 DIRECTOR ARNONE: Exactly.

5 MR. VITOLO: I don't know but what I do
6 know is we had a hearing that there were maybe
7 20 people that came and asked questions. We had
8 objectors. We had witnesses and we proved to
9 them that this is an acceptable project and now
10 SWAC unless you think they're getting some
11 benefit out of it agreed 100 percent a hundred
12 percent there was one no vote 4 to 1 but they
13 looked at this project, they took the tour.
14 They're not getting a dime out of this and they
15 all voted for it.

16 DIRECTOR ARNONE: They better not be.

17 MR. VITOLO: To answer your question you
18 know if it was just Howell that on their own
19 came up with this and all of a sudden loved the
20 project I think that you have SWAC because they
21 are an objective arbitrator. They looked at it
22 and they approved it so that's my answer.

23 DIRECTOR ARNONE: Okay. That's fair.

24 MR. SENA: I'm going to ask a question,
25 Mr. Ward, I just want to get some clarification

1 because you were talking about the Class B. I
2 know I have my back to you and I'm trying to
3 turn around when I talk but I'm trying to talk
4 into the microphone. I've definitely not trying
5 to be rude to you.

6 In the RFI which is the marked as
7 Exhibit 1 the application. RFI stands for
8 Request for Inclusion. It states that the
9 Applicant proposes no changes to the existing
10 Class B operation but in the Settlement
11 Agreement with Howell it was stated that their
12 Class B operation is being reduced by 50 percent
13 after project completion. Can you talk more
14 about that?

15 THE WITNESS: More of a technical
16 statement in that we weren't going to seek an
17 amended DEP approval for the Class B. Keep the
18 current approval as is. Yes, it will be a
19 reduced footprint and reduced capacity by virtue
20 of that footprint but that was the intent there,
21 Mr. Sena.

22 MR. SENA: Can you talk about the hours
23 per day for the sorting operation? I understand
24 in the RFI it talks about hours per day that
25 you're open accepting waste but what are the

1 hours for the actual sorting?

2 THE WITNESS: I think I'll leave that
3 for the owner.

4 MR. SENA: Okay. That's fair. Anybody
5 else has any questions feel free to jump in.

6 DIRECTOR ARNONE: So could I ask a
7 question? You brought up a good point there.
8 So I guess I would ask this question to the
9 owner but I'll ask you it while it's on my mind
10 and I won't forget it. So you're talking about
11 sorting. There is the potential of a average of
12 80 trucks a day on that County road as I guess
13 was stated it's an average there but if they're
14 sorting there a material that isn't acceptable
15 to that facility that would mean it would have
16 to be taken out of that facility with trucks
17 going out. Is that true?

18 THE WITNESS: Correct.

19 DIRECTOR ARNONE: So there is a
20 potential of having a heavy load that day of
21 trucks maybe the average being and I'll use for
22 example 40 on one day and a hundred and twenty
23 on the other day which would make 80 the average
24 but on a hundred twenty a day because of the
25 high volume and the sorting of the material

1 extra material that there could be an extra
2 amount of traffic leaving the area to deport
3 that material. Is that true?

4 THE WITNESS: More outgoing material,
5 yes.

6 DIRECTOR ARNONE: Outgoing. I just want
7 to be clear. I'm talking about the traffic.
8 It's a County road and that's our biggest
9 concern. Okay. Thank you. Are we done?

10 MR. SENA: Yeah. If anybody has any
11 questions of Mr. Ward now is the time to ask. I
12 don't have any further questions for Mr. Ward.

13 MR. VITOLO: Okay, Commissioners, our
14 next witness is Mr. Justin Taylor. He is our
15 Traffic Expert.

16 Justin Taylor sworn.

17 DIRECT EXAMINATION BY MR. VITOLO:

18 Q. Mr. Taylor, could you please give the
19 Commissioners the benefit of your qualifications and
20 your licenses?

21 A. Surely. I'm a Senior Principal in the
22 firm of Dynamic Traffic. I have a Bachelor in
23 Engineering from the University of Delaware and a
24 Licensed Engineer in the State of New Jersey as well
25 as several other States. I'm also Certified

1 Professional Traffic Operation Engineer by the
2 Institute of Transportation Engineers practicing
3 traffic engineering for 25 years now and I've done
4 hundreds of planning board presentations throughout
5 the State and other States. I haven't been before
6 the Commissioners though. This is my first time.

7 MR. VITOLLO: Mr. Sena, we would ask Mr.
8 Taylor be qualified as an expert in traffic
9 engineering.

10 MR. SENA: Any objection? Director, I
11 would submit his qualifications.

12 Q. Sir, you have reviewed the plans for
13 this project. Your firm has also issued a report.
14 Please walk the Commissioners through your
15 conclusions and your analysis.

16 A. Absolutely. So our responsibilities for
17 the project was to review the surrounding roadway
18 network to determine whether sufficient capacity to
19 accommodate trips to be generated new to this site
20 and also work hand in hand with the civil engineer to
21 ensure that the onsite circulation works so we're not
22 having trucks back out onto either Randolph Road or
23 even 547 so I kind of want to take those two pieces
24 apart and separate.

25 I've heard the concern what's going on

1 547. Well in order to determine what kind of impact
2 this site is going to have we have to collect a
3 couple different pieces. We need to figure out what
4 the traffic is out there is today so we know what's
5 going on and how the intersections are operating. We
6 then want to look at what the proposed project is
7 going to generate. That is solely tied to one of the
8 employees but more appropriately the count on the
9 trucks that we're talking about.

10 So to get the background data we have to
11 go and collect traffic counts Randolph Road and 547.
12 We do it during the morning peak hour and the evening
13 peak hour to really get the public because that's the
14 business times on the road.

15 We collect that information and then we
16 plug into a model using the formulated calculations
17 published by the FHWA. What we find is currently
18 today it's operating Level of Service F. The
19 vehicles trying to get out on Randolph Road from
20 Randolph Road onto 547 without the benefit of a
21 signal are having a hard time doing it, right, so
22 we're already behind the eight ball with a Level of
23 Service F. We'll get into the dimension. Build a
24 traffic signal there and that is what the mitigation
25 is going to be.

1 Once you accommodate the traffic
2 associated with the project. But two actually
3 provide the public benefit to the vehicles that are
4 already there. The people living in Howell Township.
5 The people that are Randolph Road to come from
6 Southern Ocean County to Route 9. It's going to
7 improve the situation. You've heard that it's going
8 to go from a Level Service F to when we're done a
9 Level Service B inclusionary of that background
10 traffic the warehouses across the street from us on
11 Randolph hasn't opened yet and the traffic associated
12 with the project but to determine what's going to be
13 put on the road based on our project we go back to 80
14 trucks.

15 Now that's 80 trucks a day throughout
16 the entire day, right, we're not talking about 80
17 trucks coming in that morning. They're coming in and
18 out all day long so we really break it out over that
19 you know 10 hour period you're talking about 80
20 trucks an hour. A truck every five minutes or so.

21 The impact of that surrounding roadway
22 network is negligible. It doesn't rise to the level
23 of what the NDOT sets a threshold of a hundred new
24 trips through the intersection or what the Institute
25 of Transportation Engineers has also set. One peak

1 hour at any of the adjacent intersections.

2 What we really wanted to provide
3 conservative analysis. We wanted to give you a worst
4 case picture when we look at the operation of that
5 intersection so we made the assumption out of that 80
6 trucks 20 of them are going to come in that morning
7 peak hour. And 20 are going to come in the evening
8 peak hour, right, we then ran these analyses with the
9 traffic signal there and what we determined was we're
10 going to be operating at Levels of Service B. If
11 this is approved and the traffic signal once it's
12 built it will be Level Service B.

13 So I really feel this is to accommodate
14 with this improvement the traffic associated with the
15 project. The other piece that we looked at like I
16 said was the queuing now we have provided stacking
17 interior to the site prior to scales for 20 vehicles,
18 right, so that's again that maximum as they come in
19 maybe it's 8 maybe it's 10 we can stack all 20 that
20 we think showed up in that hour.

21 We'll also talk the time on the scales
22 to come in it's approximately three minutes so it's
23 constantly turning over. You would need to have 30,
24 40 trucks show up and not be able to process them or
25 half what's allowed throughout the entire day in

1 order to have any type of real queuing issue. We
2 wanted to provide a buffer, a little factor of safety
3 in that so if there is a rush and you had 8 or 10
4 show up in that five minute span we could stack them
5 in there until they process the site.

6 I think from those two aspects one of
7 queuing which is a major concern to Howell and two
8 the ability for vehicles the ability for the roadways
9 to accommodate this additional traffic I think the
10 traffic shows that we can do both of those. There is
11 capacity and the site will operate safely and
12 efficiently.

13 DIRECTOR ARNONE: Do you guys have any
14 questions?

15 MR. DIROCCO: Yeah.

16 DIRECTOR ARNONE: Go ahead.

17 MR. DIROCCO: Thank you, Mr. Taylor.
18 Good comments there. Three scales proposed.
19 Is that correct?

20 THE WITNESS: One inbound and two
21 outbound.

22 MR. DIROCCO: Do you have a plan for if
23 one or more of the scales goes down you know
24 stacking is a problem. Not a problem. It's a
25 concern. So you've got you've accommodated in

1 your testimony for certain level of stacking.
2 If you've got an issue where you've got
3 operational concern, scales are down and scales
4 not working and then you've got trucks stacking
5 up what's the plan of handling that in terms of
6 local roadway offsite traffic?

7 THE WITNESS: It's a great question. I
8 will defer slightly to the operator this but
9 it's my understanding that you could convert one
10 of the outbound scale to one of the inbound
11 scale, right, you may have to keep the truck you
12 have but there is the ability to utilize the
13 other scales.

14 MR. DIROCCO: Account.

15 THE WITNESS: Account. If there was a
16 little bit of a down time.

17 MR. DIROCCO: And then also asked
18 earlier about the surrounding property and I
19 think you also mentioned warehouse that is not.

20 THE WITNESS: Not operating.

21 MR. DIROCCO: JCP&L site which is ground
22 zero for tons of megawatts of offshore wind
23 electric coming in. Two pretty intense uses
24 that are about to happen right on the periphery
25 of this. Does your traffic analysis take into

1 account any of those?

2 THE WITNESS: That's a great question.
3 The 41 warehouse traffic associated with that is
4 incorporated in the traffic study, right, we
5 knew that was there when we started this. I'm
6 going to call it the Monmouth County site but
7 where the substation and offshore wind is coming
8 in our firm was associated with the traffic too
9 and while it's a big site you don't have regular
10 people showing up. They have maintenance that
11 comes in once a month, right, and maintenance
12 that comes in once a year. Unless there's
13 something that goes wrong with it there aren't
14 people there. The traffic associated with that
15 is negligible.

16 MR. DIROCCO: That's it.

17 DIRECTOR ARNONE: So I appreciate and
18 very detailed report there so the one thing I
19 want to get to obviously and I don't want it to
20 be perceived our main concern listen Howell is
21 Howell. We respect them. They're one of our
22 larger municipalities and you know what I guess
23 the average public doesn't realize the impact
24 and the negligent aspect that gets to us on our
25 County roads when something is approved because

1 whether approved by a town, whether it's a
2 development or not we get the impact because
3 people just automatically to the County as you
4 know. You did bring up some concerns and I
5 think with Randolph Road when you said Randolph
6 Road it was very difficult to get out and I
7 think categorized it as an F or something like
8 that so that's something that internally us and
9 our engineering firm would have to take a look
10 at whether this application was in front of us
11 or not to see if there is something that we need
12 to do to correct that so that it becomes
13 obviously safe and more accessible to vehicles.

14 So that's being done obviously through
15 this development here but is that being done and
16 then adding on top of it and I know you said you
17 know potentially 8 and later time you said
18 possibly 10 and it's probably likely 10 with
19 your hours of operation because you're only open
20 from 7 to 3 there.

21 THE WITNESS: Yeah.

22 DIRECTOR ARNONE: Getting back to my
23 question to Counsel then before we're not
24 looking at outgoing. Now let me just ask you
25 this and I don't know this world so this is just

1 a question I'm asking you and maybe this
2 probably would go to the owner of the operations
3 so let's just say the day comes and these trucks
4 come in and let's just say it's 10. Ten trucks
5 come in with material and then it has to be all
6 separate.

7 The operations of accepting material
8 stops at 3, okay, but the you outgoing of that
9 material after separated is that still possible
10 could occur and that's added traffic over the
11 course of the day that's on the County road?
12 And then one other question and forgive me for
13 not knowing this but this is the same road that
14 follows all the way down to Connie's in
15 Farmingdale, isn't it? It goes through
16 Farmingdale.

17 THE WITNESS: Eventually. Once you
18 cross 195.

19 DIRECTOR ARNONE: I haven't been by the
20 site in awhile.

21 THE WITNESS: You're on the north side
22 of 195.

23 DIRECTOR ARNONE: I just worry about all
24 of that traffic coming from in Town potentially.
25 It's not all going to come from one area

1 obviously and I'm sure you don't expect it to
2 come from just all one area so I'm impacting
3 another very, very residential area potentially.
4 I'm not saying we're going to because it's not
5 fair to say that. Those are some of the
6 concerns I have.

7 And then obviously you know we're
8 looking at continually traffic on a County road
9 and you know the abuse of the County road and I
10 don't mean by the owner or anything like that
11 but just the abuse from the truck traffic being
12 on the County roads you know on a regular basis
13 because we're talking 10 a day, 5 days a week
14 well actually maybe even a little more there and
15 then the outgoing traffic because we're not
16 counting that outgoing.

17 THE WITNESS: So I need to correct you
18 there. The 80 trucks that are quoted including
19 incoming and outgoing. The intent is to have
20 the roll off trucks. They're going to come and
21 they're going to drop. Things are going to be
22 sorted and they're going to utilize a portion of
23 those to hold off the recycle material so there
24 is a difference I have 80 contractors coming in
25 and out and then we have separate trucks going

1 out with the recycling material. That 80 number
2 is the cap, right, those inbound and outbound.

3 DIRECTOR ARNONE: Let me ask you this
4 and I appreciate you did your analysis there and
5 I appreciate that you have come with an average
6 there but at the end of the day it could be an
7 extremely successful facility. There's nobody
8 regulating it at the average of 80 and I throw a
9 very example number out there. It could be 200
10 a day but so there is no regulations.

11 MR. DIROCCO: That's been my concern,
12 too. It didn't say 80 max. It says we estimate
13 an average of 80. That is a little bit of a
14 concern too when I read through the material.

15 THE WITNESS: I would tell you my
16 understanding was that 80 was the maximum that
17 we were at, right, and if there is a little
18 fluctuation so be it. I will tell you the
19 capacity that we're building into that signal
20 can handle 200. Can handle probably 3 or 400 a
21 day at this location so the concern I think
22 professionally has been mitigated because we're
23 building so much extra capacity in this
24 intersection to handle that. The driveways will
25 be able to handle it and go in and out and

1 getting your point downtown Farmingdale which
2 you got to remember 195.

3 DIRECTOR ARNONE: The only reason I say
4 that is just we just had Terry our Administrator
5 maybe a month or two months ago we had
6 representatives from Howell contact us about
7 their concern there and we actually put service
8 officers on there and I wish Joe Ettore was here
9 and I forget what they call traffic calming
10 measures because of truck traffic in Farmingdale
11 there. Am I correct?

12 MS. O'CONNOR: Yeah.

13 THE WITNESS: Unfortunately it's a
14 function of warehouses that have been approved
15 in the north end.

16 DIRECTOR ARNONE: I agree there is a
17 function. Is it right to add to that?

18 THE WITNESS: What I will tell you I
19 don't think the amount of traffic that we're
20 talking about coming to this facility is driving
21 through downtown Farmingdale because you have
22 195 intervening and 195 is going to provide you
23 Route 9 and Route 35 it's going to provide you
24 other points in the County.

25 DIRECTOR ARNONE: No. No. I understand

1 that.

2 THE WITNESS: Nobody is.

3 DIRECTOR ARNONE: I agree with you on
4 that. One question with your traffic study. So
5 obviously this has been going on since 2015 as I
6 think Counsel said so is this traffic study in
7 2015 or is this?

8 THE WITNESS: So our firm got involved
9 in 2024. We collected the traffic count data
10 2024 so it's current data.

11 DIRECTOR ARNONE: I know Monmouth County
12 has grown.

13 THE WITNESS: I've been doing work in
14 Monmouth County for 25 years.

15 MR. DIROCCO: You said right now the
16 intersection indicating Service Level F.

17 THE WITNESS: That's right.

18 MR. DIROCCO: Anticipated Service Level
19 B is that under current condition or with all of
20 the other build out?

21 THE WITNESS: With all of the build out
22 including the traffic with our project it will
23 be a Level B.

24 MR. VITOLO: Commissioner Arnone, you
25 said there's no regulations.

1 DIRECTOR ARNONE: No. I said is there?

2 MR. VITOLO: This is not the first time
3 this has come up. Howell citizens were
4 concerned how do we check it so what we agreed
5 to do is we're going to provide information on
6 both the truck trips and tonnage and Howell is
7 going to make sure that we meet the terms of
8 this agreement because unlike a lot of instances
9 where maybe you have a resolution of approval
10 they have a settlement agreement here so they're
11 going to make sure we meet all of the terms of
12 the settlement agreement so I believe a
13 representative of Howell one of SWAC, yeah,
14 we're going to check it.

15 We're going to make sure they're not
16 exceeding the levels they agreed upon so there
17 will be a regulation.

18 DIRECTOR ARNONE: Thank you.

19 MR. SENA: On that point, would you
20 agree that Department of Environmental
21 Protection has oversight authority on
22 enforcement of truck traffic for a regulated
23 site?

24 THE WITNESS: I can answer that. The
25 DEP is more than just traffic, yes.

1 MR. SENA: I respect their agreement
2 with Howell but what does that really mean that
3 Howell would have the authority to oversee that
4 because DEP has enforcement authority over that,
5 right?

6 MR. VITOLO: Well so Howell has
7 agreement with us and they will sue us if we do
8 not comply and they will claim that we have
9 breached the agreement and then I'm assuming
10 that they would go and try to validate or file
11 action to validate our permission to do it and
12 they'll probably go right to DEP first so you
13 know there's lots of levers.

14 DIRECTOR ARNONE: Could I ask you and
15 believe me I know you guys have put all of your
16 details and plans in there but doesn't the word
17 average give you a lot of leniency in something
18 like this? It's not limited to. It's not
19 maximum. It's average so you know very
20 creatively and I'm not saying that would happen
21 let's use somebody else for an example
22 creatively use well over the year if it's only
23 been eight, yeah, last week we were busy and
24 there was a tremendous amount and you would be
25 safe and protected I should say protected

1 because the word average is in there.

2 MR. VITOLO: So there's first it is a
3 seasonal business, right, so sometimes there
4 will be one truck. I don't know one truck. If
5 it's bad weather or a snowstorm.

6 DIRECTOR ARNONE: Of course.

7 MR. VITOLO: And moreover we have a
8 tonnage limitation there so that's a double
9 check so if we're doing more than a thousand
10 tons the truck traffic assuming would increase.

11 DIRECTOR ARNONE: Your tonnage is the
12 tonnage you collect and keep in the transport
13 station. Correct me if I'm wrong on this. I
14 could be totally off.

15 MR. VITOLO: The amount to be processed.

16 DIRECTOR ARNONE: But theoretically
17 3,000 tons could come in and 2,000 could go out
18 as long as you're only processing a thousand.

19 MR. VITOLO: Right.

20 DIRECTOR ARNONE: And I could be totally
21 wrong.

22 MR. VITOLO: So when we swear in the
23 owner he's probably it. The best prepared.

24 DIRECTOR ARNONE: Sure.

25 THE WITNESS: In terms of processing

1 material whatever comes in whether it's into
2 some sort of device or sorter it's technically
3 being processed because it's being moved to a
4 different vehicle so it's really a thousand tons
5 incoming. I know what you're asking.

6 DIRECTOR ARNONE: I don't know that
7 business.

8 THE WITNESS: Some processes move this
9 truck to that one.

10 DIRECTOR ARNONE: Exactly. That's fair.

11 MR. LIGORANO: Why did you use the
12 average as opposed the maximum per the DEP
13 regulations?

14 THE WITNESS: So we were given 80 trucks
15 a day.

16 MR. LIGORANO: Who gave you 80 trucks a
17 day?

18 THE WITNESS: It's in the Howell
19 settlement and so we utilized that within our
20 analysis.

21 MR. LIGORANO: Did you examine the DEP
22 regulations or the waste management plan that
23 requires you to calculate based upon your
24 maximum capacity a thousand?

25 THE WITNESS: So knowing that we had 80

1 trucks that's the limited factor in the traffic
2 counts.

3 MR. LIGORANO: So you didn't calculate
4 it based upon the maximum capacity of a
5 thousand.

6 THE WITNESS: No.

7 MR. LIGORANO: Thank you.

8 DIRECTOR ARNONE: So, Jason, maybe you
9 can clarify what was just asked because I have
10 no idea. I'm sure it was something because a
11 gentleman would not get up and ask that
12 question.

13 MR. LIGORANO: Sir, in our report. It's
14 my turn. It's explained.

15 MR. SENA: I'll allow the Objector to
16 answer the question and I could provide further
17 explanation during deliberation.

18 MR. VITOLO: Any other questions from
19 the public?

20 MR. SENA: I have a question about the
21 truck route. The application does not propose a
22 specific truck route, is that correct, for the
23 incoming waste?

24 THE WITNESS: I did not see the actual
25 application. It's my understanding that you

1 will be utilizing 547, 195 and County 526 to the
2 south which is another travel. Route 526
3 provides access to Route 9.

4 DIRECTOR ARNONE: 526.

5 THE WITNESS: Ocean County at that point
6 to Monmouth County.

7 DIRECTOR ARNONE: 526 is in Monmouth
8 County.

9 THE WITNESS: Western Monmouth.
10 Millstone.

11 DIRECTOR ARNONE: So impact it's in your
12 plan.

13 THE WITNESS: Yes.

14 DIRECTOR ARNONE: Two County roads.

15 MR. VITOLO: Hold on one second.

16 Q. Just to summarize. In your expert
17 opinion having analyzed all of the traffic data
18 available as updated in 2024 is it your expert
19 opinion that this that the impact from any traffic
20 truck traffic created here is minimal?

21 A. Yes.

22 Q. And do you also, sir, is your opinion
23 that the addition of a traffic signal will convert an
24 F rated intersection to a B?

25 A. Yes. It will rectify an existing

1 deficiency out there today while accommodating the
2 traffic we are proposing.

3 Q. And have you seen any other data in any
4 other traffic studies that are submitted in this case
5 that would at all impact your conclusions in this
6 case?

7 A. That's a great question and this may
8 come up because I believe it was the objecting
9 country lawyer who put that report together.

10 MR. LIGORANO: I shouldn't have said
11 that.

12 A. They utilized I believe 400 trucks an
13 hour because the original study was based on 15 tons.
14 They used the smallest trucks he could use a two ton
15 truck. They used 400 trucks an hour and their
16 conclusion the traffic signal they are proposing
17 operate at Level of Service B so that gives me the
18 level of comfort that even if 80 is the average a
19 little bit higher lower when you take those numbers
20 and look at the results you're going to see the
21 results that we have in our study.

22 MR. VITOLO: Thank you.

23 DIRECTOR ARNONE: Thank you.

24 MR. VITOLO: I believe there were a
25 couple of questions that we have an owner

1 representative here Mr. Gelbwachs who I think
2 would rather be anywhere than getting up at
3 this podium and have to answer these questions.

4 David Gelbwachs sworn.

5 MR. VITOLLO: Mr. Arnone, I know you said
6 you had one or two questions that are
7 appropriate for the owner.

8 DIRECTOR ARNONE: I have to think back.
9 We got so engaged in some of the questions we
10 talked about before. It was operation of
11 the outgoing and how the process works. You
12 cleared up some of the process questions there.
13 It's just your traffic expert did the statement
14 that he made kind of engaged a little bit on
15 the size of the trucks that would be coming in
16 there and I guess I have to ask the question of
17 not that it's not business whatsoever to look
18 at you know competitiveness and businesses but
19 I'll be frank and on the record I care about
20 Monmouth County. That's what we sit here and
21 represent so you know I'm concerned about that
22 and in just doing a little bit of my research I
23 know Mazza was named and I think somewhere in
24 western part of the County there is another
25 company. Is there another transfer station?

1 THE WITNESS: There is.

2 MR. VITOLO: Freehold cartage. So in
3 proximity to this Freehold would be the closest
4 one there. So it just concerns me that are we
5 getting did SWAC look at the Monmouth County
6 needs itself, okay, and this is question to
7 SWAC, okay, or did it look at the Monmouth
8 County I have to use nothing against my
9 neighboring county but Ocean County because
10 Ocean County is only a stone throw away and did
11 they take the need in the geographic area not
12 the individual counties.

13 THE WITNESS: It's only Monmouth County
14 and one of the reasons we thought this was a
15 good spot because we already exist.

16 DIRECTOR ARNONE: I know. Unfortunately
17 I haven't been there recently but I was there
18 initially when this whole thing came up. I
19 took a ride there on Saturday and looked. I
20 don't think it's a pretty active site.

21 THE WITNESS: It is an active site.
22 Another thing I want to point out you mentioned
23 as far as how it's an impact of the County roads
24 they are on the roads as we speak. They're
25 going to another Monmouth County. It's not like

1 we're creating new construction debris. They're
2 already on the roads.

3 DIRECTOR ARNONE: Trucks are on the
4 road. This type of use unfortunately I should
5 know Freehold cartage and I don't unfortunately
6 know where it's at. I don't know if there is a
7 direct line that would go to Freehold cartage
8 that would go down that road but we would have
9 to go down that road.

10 THE WITNESS: You wouldn't go the other
11 way on those same roads.

12 DIRECTOR ARNONE: Okay. Do you guys
13 have any questions?

14 MR. DIROCCO: I would just ask you know
15 we asked the engineer, we asked the traffic
16 engineer, the site plan engineer you're the
17 owner operator on the record do you average 80
18 trips a day is that what you're representing
19 here that that's your understanding is that an
20 accurate number that we can expect because you
21 know it's a busy area, it's a growing area,
22 we've got a warehouse, you've got Laraby
23 warehouse. We got to know what's happening on
24 our County Road the next 2, 3, 5, 10 years. On
25 the record do you stand by that number?

1 THE WITNESS: Yes.

2 MS. KILEY: I had a question about
3 residents and people trying to get to different
4 places and now you're going to add all of this
5 traffic is that going to create a major
6 inconvenience for the residents that are in that
7 area.

8 THE WITNESS: No. It's not. Currently
9 operating we do have trucks as we speak so we're
10 not getting that much.

11 MS. KILEY: That volume of trucks is
12 there now.

13 THE WITNESS: Yes.

14 DIRECTOR ARNONE: I'm not trying to get
15 into your business. I'm a little curious when
16 you say that that is operating now because you
17 know quite frankly you know I'm in business,
18 most of us are in business here and so you have
19 a facility that operates and you're saying that
20 you have that much traffic now you know by the
21 site by the rendering it's beautiful there. The
22 investment is going to go there. Most cases
23 people put the investments there to increase
24 their business and increase their revenue. We
25 are in business. I mean you should. I don't

1 devalue you of that at all but I have to believe
2 because of that it's got to be impact full to
3 the region and the area and I'm still stuck and
4 I know that you made presentation incoming and
5 outgoing but that's really something that's got
6 me concerned about the outgoing component being
7 part of the equation of trucks so let's say what
8 is your average trucks per day today the way
9 exist today.

10 THE WITNESS: Around 60.

11 DIRECTOR ARNONE: Sixty a day.

12 THE WITNESS: Yeah.

13 DIRECTOR ARNONE: And how many go out?

14 THE WITNESS: Comes in and goes out.
15 Sixty total.

16 DIRECTOR ARNONE: No. I'm sorry. The
17 material that you have to deport out.

18 THE WITNESS: Comes out in the same
19 trucks. Trucks take stuff in and take stuff
20 out.

21 DIRECTOR ARNONE: I'm not familiar with
22 the type the way the business runs. So if a
23 truck comes in say a 20 yarder comes in, okay,
24 and then you process the material, okay, and the
25 material that you don't accept, okay, that's

1 maybe mixed in there if that is the way it
2 happens how does that material that actually
3 truck driver waits for the material and then
4 puts it and takes it?

5 THE WITNESS: It's actually outgoing
6 stage ready to go out the truck comes in empty
7 and also in mind trucks coming are not packed
8 well so volume outgoing is much less than coming
9 in.

10 MR. VITOLO: Are you asking him about
11 today because I think he's talking about the
12 proposed project but you're asking about today.

13 DIRECTOR ARNONE: Today yeah.

14 MR. VITOLO: He wants to know so there's
15 piles of material there, right, so they don't
16 have to wait. They get loaded up and go. Are
17 you saying like the stuff on the truck has to
18 get processed and put back on the truck?

19 DIRECTOR ARNONE: No. There's certain
20 material that you do not take, right, that you
21 don't accept.

22 THE WITNESS: They can't come in. They
23 know that.

24 DIRECTOR ARNONE: Forgive me. I'm not
25 in that business. I don't know. Okay.

1 MR. DIROCCO: Operation to get back on
2 the scaling operation, right, and so you've got
3 we learned a little bit how your scales you know
4 you've got three scales two going out and one
5 for coming in and I was asking the question
6 about what if you have mechanicals you got to
7 imagine these are probably I'm sure they're
8 state of art but listen constantly things break
9 down I think maybe Mr. Taylor or somebody else
10 indicated you can mix and match.

11 THE WITNESS: Sure. They switch traffic
12 patterns.

13 MR. DIROCCO: How quickly can that
14 happen? Can you address the stacking?

15 THE WITNESS: It's a matter of moving
16 cones over. It's not something that usually
17 happens.

18 DIRECTOR ARNONE: That is fair. Thank
19 you.

20 MR. SENA: Mr. Vitolo, are you going to
21 present testimony from the owner or would you
22 prefer questions?

23 MR. VITOLO: No. Questions.

24 MR. SENA: I asked a question something
25 I apologize again I don't mean to have my back

1 to you but there's a question earlier about
2 sorting. In the RFI it indicates there is going
3 to be manual sorting and then in another section
4 of the RFI you're going to use mechanical
5 sorting. Can you clarify the sorting method?

6 THE WITNESS: On days like this we drop
7 on the floor there will be an operator larger
8 pieces of debris and load that onto a mechanical
9 vibrator and separate fines and overs and at
10 that point as long as they're there that's
11 ancillary.

12 MR. SENA: I didn't understand the
13 answer to the first part of your answer. A
14 person is going to pick up?

15 THE WITNESS: No. An operator.

16 MR. SENA: Can you describe the
17 equipment that's going to be used?

18 THE WITNESS: Large excavator called an
19 orange peel grapple and moving the equipment.

20 MR. SENA: How much room does that take
21 up in the building that you propose
22 approximately?

23 THE WITNESS: Approximately a third.
24 I'm talking about the dumping area.

25 MR. SENA: Is it your request of the

1 County Commissioners that you have the ability
2 and capacity to process up to a thousand tons
3 per day of Type 13C and 13 waste using that
4 method?

5 THE WITNESS: Correct.

6 MR. SENA: Let's talk about the sorting
7 hours. We already know what the hours of
8 operation are from the application. What are
9 the proposed sorting hours?

10 THE WITNESS: Sorter will be going on
11 throughout the day. Obviously three to five
12 when the last trucks come in the sorting going
13 over past 3:00. I don't expect to be that many
14 more hours. I would say 5:00.

15 MR. SENA: Is there any restriction on
16 the hours that sorting operation can occur?

17 THE WITNESS: I don't know.

18 MR. SENA: So it's fair to say there is
19 no one currently.

20 THE WITNESS: They have to be sorted
21 that day.

22 MR. SENA: Right. Because DEP
23 regulations require the material be off the
24 floor at the end of day. Under this application
25 is it accurate to say that there's currently no

1 limit on sorting hours?

2 THE WITNESS: They're not spelled out.

3 MR. SENA: So since there's no limit on
4 sorting hours in this application do you have
5 plans to sort at night?

6 THE WITNESS: No.

7 MR. SENA: You wouldn't be limited to
8 under this application, right?

9 THE WITNESS: Correct. Not to my
10 knowledge.

11 MR. SENA: So can you describe in
12 greater detail the process for flow for the
13 materials when they're received from receipt to
14 storage for the Commissioners?

15 THE WITNESS: I'm not understanding.

16 MR. SENA: Describe when a truck comes
17 in where does the material go from when it comes
18 in? You started to describe because we talked
19 about sorting.

20 THE WITNESS: A truck comes in going
21 into the incoming scale the weight. He'll pull
22 up to the warehouse building, back inside, tip
23 the material onto the floor and he'll pull out,
24 go back onto the scale get weighed and paid.

25 MR. SENA: What if a truck brings in

1 hazardous materials that you're not to accept.
2 Can you describe that process?

3 THE WITNESS: You have to tell us what's
4 and not allowed to dump.

5 MR. SENA: What if a truck comes in and
6 tells you one thing you're allowed to accept and
7 buried underneath is something you're not
8 allowed to accept. How would you describe that?

9 THE WITNESS: There is a process that
10 the engineer would put in place.

11 MR. SENA: Are you prepared to answer
12 that question?

13 MR. WARD: All of these operation
14 questions will have the reviewed thoroughly by
15 the DEP if it passes beyond this Board. No. I
16 don't have a prepared answer for that.

17 MR. VITOLO: My clients will abide by
18 all applicable regulations and meet all
19 applicable standards with respect to handling
20 any hazardous materials.

21 DIRECTOR ARNONE: One question. I don't
22 know if that goes to you. I know SWAC went
23 through the approval process and there was
24 testimony there and information given but so is
25 there and I don't know maybe somebody in this

1 room can answer this question is there an amount
2 of tonnage per County that you have to be at
3 that would allow them to say, okay, you need
4 another facility? There's that much tonnage
5 being collected in all of the facilities, okay,
6 let's just say we have five, okay, I don't know
7 how many we have, say we have five and there's a
8 number saying say it's a thousand. I'm just
9 throwing numbers out there. A thousand. And
10 we've exceeded that number so they made a
11 decision that there's a need for another
12 facility. I don't know is that the way they
13 judge it? I have no idea.

14 MR. VITOLO: Who?

15 DIRECTOR ARNONE: The SWAC. Because how
16 can they randomly say there is a need unless
17 they're looking at some sort of criteria that
18 says there's a need and it can only be by
19 tonnage?

20 MR. FITZGERALD: We have testimony.

21 MR. SENA: Just for the record too
22 currently in the Solid Waste Management Plan
23 there are four transfer stations. There is a
24 Republic facility, Freehold cartage, the Mazza
25 and I think the Reclamation center also

1 qualifies as a transfer station so there are
2 four just to be clear.

3 DIRECTOR ARNONE: Okay. Okay.

4 MR. VITOLO: SWAC did address the data
5 on need. They decided that there was you know.

6 DIRECTOR ARNONE: A need.

7 MR. VITOLO: Yeah. I read for you some
8 of it. I didn't read all of it but other SWAC
9 Members said, for example, just because you have
10 a Home Depot doesn't mean you can't have a
11 Lowe's. I mean it was that sort of
12 anti-competition in their mind.

13 DIRECTOR ARNONE: I'm just saying is
14 there a number.

15 MR. VITOLO: A magic number?

16 MR. SENA: I can answer that, Director,
17 there is not. As the Managers we'll call it of
18 the Solid Waste Management District in Monmouth
19 County it's up to the Applicant to demonstrate
20 what they believe the need is when you consider
21 a plan so that's a good read into a question for
22 the Applicant.

23 MR. SENA: Have you conducted an
24 analysis or study or review of any kind of the
25 current needs of the County for this type of

1 waste processing? If so can you speak to that?

2 THE WITNESS: I don't believe we've had
3 such a study done.

4 MR. SENA: Do you believe that there's
5 some type of unmet need for the processing of
6 the waste type that you're proposing?

7 THE WITNESS: From my understanding of
8 SWAC and DEP they do feel that is.

9 MR. SENA: Let me take the second part.
10 You said you had a discussion with DEP.

11 THE WITNESS: We've had that
12 conversation with DEP, yes.

13 MR. SENA: Who at DEP did you speak to
14 about the needs of the solid waste?

15 MR. WARD: There was a meeting with Tom
16 Byrnes I believe at the time Director of Solid
17 Waste.

18 MR. SENA: When was that meeting?

19 MR. WARD: I don't have that date.

20 MR. SENA: Who attended the meeting?

21 MR. WARD: I was there and another
22 representative the Applicant who is no longer
23 with the Applicant.

24 MR. SENA: Is he a representative of
25 Monmouth County there?

1 MR. WARD: No. It was a pre-application
2 meeting with DEP similar to land use.

3 MR. SENA: Mr. Gelbwachs, is the your
4 representation that the DEP representative made
5 a representation to you about Monmouth County's
6 needs?

7 THE WITNESS: No. It was they didn't
8 have push back.

9 MR. SENA: In answer to my earlier
10 question you also said that you had discussions
11 with the SWAC and they made a determination as
12 to need.

13 THE WITNESS: We've had many SWAC
14 meetings.

15 MR. SENA: Right. So is it your
16 position that the SWAC conducted an analysis and
17 made findings as to the needs for this type of
18 waste processing?

19 THE WITNESS: I can't represent.

20 MR. SENA: Do you know if in the SWAC's
21 Resolution or in any of the meetings where they
22 considered this application they made findings
23 as to need?

24 THE WITNESS: I don't.

25 MR. VITOLO: I will point Counsel to the

1 records which I read earlier where they
2 expressly made findings as to need and
3 competition and whether this facility was
4 needed.

5 Q. I would also ask you, Mr. Gelbwachs, did
6 you spend the last nine years of your life, hundreds
7 of thousands of dollars, filed lawsuits, went to
8 numerous hearings because you thought there was not a
9 need for this facility?

10 A. No. I obviously feel a need.

11 Q. So you feel there is a need for this and
12 that's based on your experience in the industry, sir?

13 A. Yes.

14 Q. And it's also based on what you see in
15 the market, correct?

16 A. Correct.

17 MR. VITOLO: Thank you.

18 MR. SENA: I have other questions of the
19 owner I'd like to continue those. I don't know
20 if we're going to take a break.

21 DIRECTOR ARNONE: Few more minutes.

22 MR. FITZGERALD: Wrap up and finish
23 after the owner.

24 MR. VITOLO: I would just you know I'd
25 like to close but if after the opposition and

1 then I close.

2 MR. FITZGERALD: Close after.

3 MR. SENA: Close at the end.

4 MR. VITOLO: I want to go last.

5 DIRECTOR ARNONE: I always say the same
6 thing.

7 MR. SENA: There was an objection filed
8 by Ocean County Landfill basically stating that
9 you're not allowed to take waste from Ocean
10 County and process it at this facility. You're
11 aware of that, right?

12 THE WITNESS: Yeah.

13 MR. SENA: There is a provision in the
14 Howell Settlement Agreement and there was
15 discussion at the SWAC meeting about that exact
16 issue. Do you recall that?

17 THE WITNESS: Yes.

18 MR. SENA: In there is a letter actually
19 an exhibit to the Settlement Agreement to Howell
20 but it wasn't attached to the Howell agreement
21 but it's referenced in it. It's dated October
22 26, 2022. It was a letter from Ocean County
23 Counsel. Are you aware of that?

24 THE WITNESS: Yes.

25 MR. SENA: And in that letter and I'm

1 paraphrasing but it states that under the Ocean
2 County Solid Waste Management Plan processing of
3 waste from Ocean County outside of Ocean County
4 is prohibited except if the waste from Ocean
5 County is taken and transferred to another
6 facility out of state for processing. Does that
7 summary of the letter reflect your
8 understanding?

9 THE WITNESS: I don't.

10 MR. VITOLO: The letter speaks for
11 itself.

12 MR. SENA: Lead into a question do you
13 have plans to take waste from Ocean County and
14 either process it at this facility or transfer
15 it at this facility to another facility out of
16 state?

17 THE WITNESS: No.

18 MR. SENA: So if there was a condition
19 like you agreed with Howell prohibiting that you
20 would agree to abide by that condition.

21 THE WITNESS: I don't know.

22 MR. SENA: You don't know.

23 THE WITNESS: I'm saying I'm not sure
24 whatever was in that letter.

25 MR. SENA: I'm trying to be completely

1 transparent. I'm trying to address the issue of
2 taking waste from Ocean County transferring it
3 at the proposed facility somewhere else out of
4 state. I want to know if that's your business
5 idea.

6 THE WITNESS: No.

7 DIRECTOR ARNONE: Jason, could I ask one
8 question? And again I'm sure none of us know
9 this answer but how is it regulated, okay, that
10 that material isn't and I have nothing against
11 Ocean County it's just scenario that we're in,
12 okay, that you're able to regulate that the
13 material did not come from Ocean County? I mean
14 is there a way to regulate that?

15 THE WITNESS: Yeah. When trucks come in
16 the driver has to sign a document inbound
17 origin.

18 DIRECTOR ARNONE: Being a contractor for
19 many years it's basically just the signing of
20 the contractor saying oh I got this from
21 Monmouth County? Maybe if that's it that's it.

22 MR. VITOLO: I mean you got competitors
23 in here. I mean if you're not bound by the
24 paperwork what can you be bound by?

25 DIRECTOR ARNONE: I'm just asking.

1 MR. VITOLO: No. They have to sign a
2 certification.

3 THE WITNESS: Let's keep in mind it's
4 not anyone just come in. You have to be
5 approved.

6 DIRECTOR ARNONE: I know that. I know
7 that.

8 THE WITNESS: You have to have a
9 license.

10 DIRECTOR ARNONE: You have to have a
11 license. I know that. That's fair.

12 MR. SENA: Do you possess A 901 license?

13 THE WITNESS: We are in the process of
14 getting one.

15 DIRECTOR ARNONE: Can you tell me?

16 MR. SENA: An A 901 license generally
17 speaking is a required license to participate in
18 the processing or the transport of solid waste
19 by the Department of Environmental Protection.

20 THE WITNESS: A year and a half.

21 MR. SENA: It's like an investigation.
22 It's a serious thing. You don't currently
23 possess that license, right, does any owner of
24 Resource Engineering possess that license?

25 THE WITNESS: Not that I'm aware.

1 MR. SENA: By the way who are the owners
2 of Resource?

3 THE WITNESS: Myself, Simon Ketner and
4 Schlomo Horowitz.

5 MR. SENA: By the way did either of
6 those gentlemen possess an A 901 license?

7 THE WITNESS: Not that I know of. Site
8 contractor.

9 MR. SENA: He might have the license?

10 THE WITNESS: I don't think he does.

11 MR. SENA: There's no proof of licensure
12 submitted with the application, right?

13 THE WITNESS: No.

14 MR. SENA: Is it fair then to say that
15 Resource Engineering or Resource Recycling, the
16 other company paperwork, neither of those
17 companies have obtained the Certificate of
18 Necessity from NJDEP, right?

19 THE WITNESS: Correct.

20 MR. SENA: Do you agree you would need
21 those things in order to operate the facility.

22 THE WITNESS: Right.

23 DIRECTOR ARNONE: So you're telling me
24 you could apply for something without having the
25 credentials to apply for it with the hopes of

1 receiving that?

2 MR. SENA: That's a question for the
3 Applicant.

4 THE WITNESS: It's basically a
5 background check. Very intense background
6 check.

7 MR. VITOLO: Just to give you an analogy
8 that everyone is familiar with now I got a book
9 load of people who do not have their license to
10 operate who have been waiting two or three years
11 already for the State so, yeah, these guys
12 proceed down the track that they're going to get
13 the license and they invest a ton of time and
14 money in doing so in the view or the hope
15 they're going to get the license.

16 DIRECTOR ARNONE: Okay. Jason, do you
17 have any more questions?

18 MR. SENA: A couple. Sorry. What types
19 of trucks do you foresee coming to drop off
20 material?

21 THE WITNESS: You know dumpsters or walk
22 in trailers.

23 MR. SENA: So when you say dumpsters are
24 you referring to like a roll off truck?

25 THE WITNESS: Yeah.

1 MR. SENA: What capacity does a roll off
2 truck have?

3 THE WITNESS: Ranges between two and
4 eight tons.

5 MR. SENA: You mentioned the second
6 vehicle type. Can you say what that is again?

7 THE WITNESS: A walking trailer.

8 MR. SENA: What is that a walking floor
9 trailer?

10 THE WITNESS: It's basically a tractor
11 trailer.

12 MR. SENA: How many tons of material can
13 they can hold?

14 THE WITNESS: Twenty three.

15 MR. SENA: Twenty three tons of material
16 can fit in a walk off trailer?

17 THE WITNESS: Right.

18 MR. SENA: As part of this application
19 as you know it's in the record that I premarked
20 but you had Counsel submit a letter prior to the
21 SWAC meeting reducing the tonnage that you're
22 seeking for 1,500 tons per day at 1,000. Is
23 that right?

24 THE WITNESS: Correct.

25 MR. SENA: So how do you reconcile the

1 proposed limit of a thousand tons her per day
2 accepting waste in the vehicles you describe? I
3 don't know if the math works out.

4 THE WITNESS: It does. It's outside
5 number. It's just again there will be days when
6 we have more trucks and just a safety net.

7 DIRECTOR ARNONE: So could I chime in
8 here for a second?

9 MR. SENA: Yes.

10 DIRECTOR ARNONE: So this is news to me.
11 I didn't know what the trucks and trailers. I'm
12 glad you brought that question up. So that's
13 where that very vague word of average comes into
14 play because by what you were saying at one
15 point I didn't know that 1,500 was requested.
16 The first time I heard of that there but let's
17 stick to the thousand. At the size of the
18 trucks that you're saying it should be reduced
19 to 500 because at that if that should ever occur
20 at those sized trucks that would be 200 trucks
21 or more a day at the amount of material that
22 could fit in those trucks that you just stated.
23 I mean I'm not sitting here calculating.

24 THE WITNESS: I don't think that's a
25 number we'll ever hit.

1 MR. SENA: Legally if this application
2 were approved you would be allowed to accept up
3 to a certain tonnage.

4 THE WITNESS: We would be bound.

5 MR. SENA: Putting that aside for a
6 moment you would agree though that the tonnage
7 that you're allowed to accept if the
8 Commissioners permit the facility in the plan
9 and it was ultimately approved by DEP and all of
10 those things that come later it would be up to a
11 thousand, right?

12 THE WITNESS: Yes.

13 MR. SENA: Theoretically you could
14 accept and I did some backhand math it was more
15 than a hundred roll off trucks per day so that's
16 more than the average of 80.

17 THE WITNESS: It's a theory.

18 DIRECTOR ARNONE: They don't regulate
19 you to the thousand tons.

20 THE WITNESS: Correct.

21 MR. SENA: Switching gears for a second
22 you're asking the Commissioners to approve a
23 facility for Type 13 and Type 13C waste. Can
24 you describe the specific materials that you're
25 planning on extracting and you're planning

1 taking those materials to market?

2 THE WITNESS: Primarily wood, concrete,
3 sheetrock, stuff like that. Metals.

4 MR. SENA: Have you submitted any
5 letters of intent with the application for like
6 potential customers for those types of
7 materials?

8 THE WITNESS: No.

9 MR. SENA: Do you have a plan to take
10 those materials once extracted to market?

11 THE WITNESS: Yes.

12 MR. SENA: And in as general terms as
13 you can because I'm not asking you to put your
14 business plan on the record but can you
15 generally describe what the plan is?

16 THE WITNESS: Local business with
17 materials and repurpose them.

18 DIRECTOR ARNONE: Jason, could I ask one
19 question? Going back to the license component
20 so you say you regulate this type of facility
21 now, okay, well how do you regulate this
22 type of facility now without having the proper
23 license?

24 MR. VITOLO: No.

25 THE WITNESS: It's not required.

1 MR. SENA: It's a different class. This
2 is currently running Class B facility. They're
3 proposing a different type of facility.

4 MR. VITOLO: Just a question for the
5 record. The question, Counsel, that you are
6 asking are they coming right from the
7 Objectors's reports?

8 MR. SENA: Nope.

9 MR. VITOLO: Because the reports are
10 they in the binder of the reports. The
11 Objectors's reports.

12 MR. SENA: I believe the initial reports
13 are in the binder.

14 MR. VITOLO: I have objection if they're
15 not going to be here I do object to questions
16 coming from those reports that I don't get a
17 chance to cross examine the report.

18 MR. SENA: No. These are my own notes.

19 MR. VITOLO: Right. I'm beyond that. I
20 believe you a hundred percent. I'm just saying
21 you know those reports and your files that you
22 all have.

23 DIRECTOR ARNONE: Is that what's in
24 here?

25 MR. VITOLO: He put some of them.

1 MR. LIGORANO: I'd like to rise on that.
2 The regulations specifically allow you to submit
3 documents in writing. They do not require cross
4 examination. In fact the regulations
5 specifically say it's not to be an adversarial
6 proceeding so we could easily submit that and
7 not be here today so the Commissioners are
8 entirely within their to rights to review those
9 reports per the regulations.

10 MR. VITOLO: That may be your
11 understanding of the regulations.

12 MR. LIGORANO: It is.

13 MR. VITOLO: Can I finish?

14 MR. FITZGERALD: Gentlemen, this is
15 exactly how we started. We insisted on the
16 rules of civility and not the strict rule of
17 evidence. For all of those same reasons our
18 Counsel did not object to your testifying,
19 witnesses referencing probably hearsay on
20 conversations with the DEP and members of SWAC
21 nor did anybody have an issue with your
22 paraphrasing what came out of the SWAC
23 transcript. I think we all understand we're in
24 a relaxed situation. These are appropriate
25 arguments for your closing and I would ask you

1 to hold them.

2 MR. VITOLO: I maintain my objection.

3 Thank you, Counsel.

4 MR. SENA: You talked about the roll off
5 trucks and walking trailers. Once the materials
6 are processed what types of vehicles do you
7 propose using to haul those materials to market?

8 THE WITNESS: Both those types.

9 MR. SENA: I don't have any further
10 questions of the owner unless somebody else has.

11 MR. FITZGERALD: Redirect?

12 MR. VITOLO: I don't. I just again
13 reserve to make my closing to the extent there
14 is a presentation by other Counsel.

15 MR. FITZGERALD: You can close last. I
16 have no problem with that. If there is a
17 natural spot I would ask the Commissioners have
18 an opportunity to take a short break.

19 MR. VITOLO: It would be great to take a
20 break, Counsel.

21 MR. FITZGERALD: Until 2:25 p.m.

22 DIRECTOR ARNONE: Call this meeting back
23 to order at 2:24.

24 MR. SENA: See if Mr. Vitolo has
25 anything further.

1 MR. VITOLO: Yeah. I just want to
2 close.

3 MR. SENA: Let's let everybody else go.
4 I know there is a member of the public that
5 plans on speaking and there were two objectors
6 so I want to see if they have anything to add.

7 MR. VITOLO: Yeah.

8 MR. SENA: You're done with presenting
9 witnesses?

10 MR. VITOLO: I would like to cross
11 examine you know if there are any witnesses
12 coming up from the other side but yeah as far as
13 affirmative testimony we're good.

14 DIRECTOR ARNONE: Okay.

15 MR. SENA: There were two written
16 objections filed. One as I mentioned earlier by
17 Ocean County Landfill Corporation and another by
18 Mazza Recycling Services so why don't we start
19 and see if anyone from Ocean County Landfill is
20 present and if so if they would like to say
21 anything.

22 MR. SULLIVAN: William Sullivan.
23 Scarinci Hollenbeck on behalf of Ocean County
24 Landfill Corporation. As you know may know we
25 represent the Ocean County Landfill in

1 Manchester Township in Ocean County. The Ocean
2 County Solid Waste Management Plan provided that
3 all nonhazardous material generated within Ocean
4 County must be disposed of at the Ocean County
5 Landfill or transferred and disposed of out at
6 the State of New Jersey.

7 DIRECTOR ARNONE: Out of the State of
8 New Jersey?

9 MR. SULLIVAN: Waste flow the courts
10 have said that if you're hauling out waste flow
11 doesn't apply if you're hauling out of the State
12 of New Jersey it's a violation. We fought that
13 in the courts forever. Mr. Sena addressed the
14 main concern as we have which you can imagine
15 making sure that Ocean County Waste stays in
16 Ocean County and waste or recyclable materials
17 that come to this facility are from Monmouth
18 County and so it's not just about the
19 competition as Mr. Vitolo said. It's about
20 compliance with the law and the issue that we've
21 had through these last several meetings is that
22 there's been as Counsel for Mazza says lack of
23 clarity in the various resolutions and public
24 statements about exactly what level of
25 commitment is being made in terms of the Ocean

1 County waste.

2 The lack of clarity, for example, is the
3 initial application said that the material
4 accepted at that facility must be predominantly
5 from Monmouth County but then the Notice of the
6 SWAC Hearing said that the waste must originate
7 exclusively in Monmouth County and then the SWAC
8 Resolution says that resources prohibited from
9 accepting any solid waste from other counties
10 and limited to accepting waste generated in
11 Monmouth County only and shall be responsible to
12 enforce such prohibition and everybody might
13 think that they understand what that means but
14 we wanted to make sure come here today and offer
15 our commentary to make sure that it was ironclad
16 that the waste from Ocean County will stay in
17 Ocean County.

18 Mr. Sena just asked the question I think
19 correctly which is that no material should be
20 accepted from Ocean or stated affirmatively and
21 that includes material that its ultimate
22 destination is an out of state facility so I
23 believe the record will reflect that the owner
24 Resource's answer to Mr. Sena's question will
25 establish that and we can be comfortable and

1 know that regardless of the waste issue which is
2 always an issue that all of the material that
3 should go to the Ocean County Landfill will do
4 so and that would address our primary concern so
5 I thank you.

6 DIRECTOR ARNONE: Thank you.

7 MR. VITOLO: I have no questions for
8 him.

9 MR. SENA: Is there anyone from Mazza
10 Recycling?

11 MR. LIGORANO: Michael Ligorano
12 appearing for Mazza. Good afternoon.

13 MR. FITZGERALD: Hang on for one second.
14 If Counsel will yield seats.

15 MR. LIGORANO: I appreciate the
16 courtesy. I could stand. I've been sitting so
17 long. There will be no witnesses. First from
18 the top again thank you for your courtesy and we
19 intend to rely on the documentation that was
20 submitted before the SWAC and supplemented by my
21 letter yesterday but I would like to make one
22 comment about my friend's comment about
23 competition.

24 Competition is the heart of this Country
25 and I've been sitting at your meetings the last

1 few months and I was very proud to see that you
2 celebrated the 250th anniversary of this Country
3 which stands for our right folks to do what they
4 need to do so just because I'm a competitor
5 doesn't mean I don't have a right to stand
6 before you to speak about what's wrong or what
7 is perceived as something is not proper so let's
8 just address that and let it go on.

9 In my November 5th letter which you were
10 provided I think at the start of this I made
11 some highlights. We also gave you a cheat sheet
12 somewhere in that massive binder that you have
13 the six issues that we have pertaining to this
14 application.

15 MR. SENA: If I could interject very
16 quickly. Director, there is written objection
17 submitted dated August 1st 2024 that's in your
18 binder. It's Item 4. Item 4 Tab 4 in the
19 binder.

20 DIRECTOR ARNONE: Got it.

21 MR. SENA: There was also a written
22 objection submitted by supplemental written
23 objection submitted by Mazza Recycling dated
24 November 5th 2024.

25 MR. FITZGERALD: Mr. Sena, so Mr. Sena

1 is aware and I didn't know whether Mr. Ligorano
2 would have an objection so the Commissioners the
3 three Commissioners have been provided Mr.
4 Ligorano's cover letter but not the attachments.
5 Is there any issue with the attachments, Mr.
6 Vitolo in consideration with the Commissioners?

7 MR. VITOLO: No. The supplementary
8 material was provided yesterday so for what it's
9 worth you know I'm happy to let him continue.

10 MR. FITZGERALD: Sounds like closing.

11 MR. VITOLO: No. I'm not going to put
12 that in my closing. I also wanted to, Counsel,
13 the binder that you guys keep referring to just
14 so this is orderly and you have a record that
15 makes sense is this going to be entered as a
16 complete document the binder? Is it going to be
17 like you should label it because I was labeling
18 my exhibits so could we label this as the next
19 exhibit?

20 MR. SENA: Binder consists of 11
21 exhibits which I shared via email in advance.

22 MR. FITZGERALD: The Administrator and I
23 are happy to provide Counsel.

24 MR. SENA: No. It's not going to be an
25 individual one exhibit. I intend to at the

1 close of deliberate I'll describe that further.
2 There are 11 items in the binder which I'm not
3 going to read right now but I intend to mark
4 those separately so we can talk about them
5 separately for purposes of the record. Mr.
6 Vitolo has also marked documents separately that
7 will be just to be organized.

8 DIRECTOR ARNONE: We should close this
9 binder?

10 MR. FITZGERALD: No. That's in addition
11 to the binder.

12 MR. SENA: I received it after the
13 binder was complete.

14 MR. FITZGERALD: I did not know whether
15 or not how Mr. Sena would have to rule on the
16 relaxed admissibility rules based on Mr.
17 Vitolo's position on it so I did not provide it
18 to the Commissioner so they could not have
19 covered it before now. As an abundance of
20 caution that is being provided to them.

21 For the record the entirety of the
22 binder provided by Mr. Sena yesterday we
23 provided both Counsel with complete version of
24 that for purposes of this proceeding.

25 MR. VITOLLO: Great.

1 MR. FITZGERALD: With the exception.

2 MR. VITOLO: Of the attachments.

3 MR. FITZGERALD: With the letter
4 attachments. The letter itself should be inside
5 the binder without the attachments.

6 MR. VITOLO: And then also this binder
7 does not constitute the complete record in the
8 case. This is just materials that you provided
9 to the Commissioners for this Hearing, correct?

10 MR. SENA: That's correct.

11 MR. VITOLO: There are other materials
12 as we know there are transcripts, other
13 materials that have been produced that are part
14 of this record.

15 MR. FITZGERALD: Provided today.

16 MR. SENA: Just for the Commissioners.
17 This is the second of two required public
18 hearings as Mr. Vitolo alluded to. There was a
19 public hearing that took place before the SWAC
20 which counts as one of the two public hearings.
21 There were documents introduced there for
22 purposes of application and there are documents
23 obviously put in this binder.

24 MR. VITOLO: Thank you.

25 MR. LIGORANO: Okay.

1 DIRECTOR ARNONE: It's all you.

2 MR. LIGORANO: First off we objected to
3 the Hearing going forward with our litigation
4 against SWAC. We're happy to act to completion.
5 We believe the actions of SWAC were arbitrary
6 and capricious and does not provide you with an
7 adequate basis to the nature of this
8 application. I know you have thick binders.
9 I'm not going to take too much time because I
10 know I want to be mindful of the time.

11 We do believe that the capacity issue
12 has not been properly addressed and we make
13 reference to the DeFeo Associates report that
14 the County itself had prepared August 5th and
15 was introduced at the SWAC which in our opinion
16 if you read the record indicates that there's no
17 need for this facility. That there's plenty of
18 capacity and there's no need for this facility
19 to be added in the existing capacity.

20 Also in terms of taking waste from Ocean
21 County we agreed with our prior Counsel
22 testimony that is a key concern that this is to
23 serve Monmouth County only and not to be
24 articulated very well not Ocean County in any
25 way.

1 In terms of the traffic we feel as a
2 major issue that has not been properly
3 addressed. I asked the traffic engineer if he
4 had calculated based on the maximum and all
5 we're hearing is averages. The DEP regulations
6 and your solid waste management plan require as
7 part of the submission that calculate be based
8 upon the maximum being sought which this case is
9 1,000 which based upon the reports that we have
10 filed with you would not be 80 trucks a day but
11 would be about approximately 250 trucks a day so
12 we believe the traffic information you've been
13 provided is not accurate. It does not meet the
14 regulations and does not meet the requirements
15 on solid waste management plan in terms of
16 coming before you and asking for relief.

17 I'm sorry. In terms of the transporting
18 the material out of the area and all of that
19 it's got to stay at the Monmouth County, okay,
20 that's our position. We rely upon all of the
21 other information we have provided both to the
22 SWAC and to you today in support of our
23 objection to this matter being granted any kind
24 of approval and recommend that it be postponed
25 until the litigation involving the SWAC is

1 resolved and/or remand it back to the SWAC to
2 comply with the law, have a proper traffic study
3 analysis prepared and also have a capacity
4 analysis actually reflects the reality of what
5 is happening in Monmouth County. That's all I
6 have to say.

7 DIRECTOR ARNONE: Could I ask you one
8 question on just the last statement that you
9 just said? A proper traffic study.

10 MR. LIGORANO: Yes, sir.

11 MR. VITOLO: Why do you think that this
12 is not proper traffic study?

13 MR. LIGORANO: Because it does reflect
14 average not maximum. When you were asking about
15 before could be days where it hits a higher
16 number and the requirements of the solid waste
17 management plan and the DEP is to calculate it
18 based upon the maximum capacity not the average.

19 MR. DIROCCO: Can I follow up? I'll
20 hear from Applicant's Counsel as well but in
21 your opinion then if the DEP requirements are
22 not being met you know I understand we should
23 take into account wouldn't the DEP approvals not
24 be proved?

25 MR. LIGORANO: That can be challenged on

1 that also but your solid waste management plan
2 also included in your binder specifically
3 provides you have to calculate it on the maximum
4 not the average.

5 MR. DIROCCO: I'm staying that's DEP
6 regulation, right?

7 MR. LIGORANO: Yes.

8 MR. DIROCCO: If we had a regulation
9 here something unrelated to this not being met
10 it would be on us to not make approval does the
11 DEP then take that into consideration and
12 provide permits and approvals?

13 MR. LIGORANO: They would. Your
14 procedure to amend solid waste plan at Page 2
15 specifically requires that the calculation be
16 based on a maximum so potential impact of this
17 upon the County road system and that's why I ask
18 that question. It was based upon the average.
19 It doesn't matter what they settled with Howell
20 that's between them and Howell.

21 In order to really understand the true
22 effect you need to know what the maximum
23 potential truck traffic would be on this
24 property caused by this and that's not clear.

25 DIRECTOR ARNONE: Let me just ask you I

1 mean I guess I'm going to compare and maybe it's
2 not fair to compare and let me look at my
3 Counsel on this because we do this every meeting
4 when a project comes that's controversial
5 development project and I'll use housing
6 development, for example, okay, there is a
7 calculation by units on what is zero point eight
8 per unit you know cars and that's the way we
9 calculate the traffic onto our County road.

10 MR. FITZGERALD: Traffic counts.

11 DIRECTOR ARNONE: Traffic counts. In
12 this case here is there some sort of criteria
13 that we look at and say it's acceptable or not
14 because right now we're just using these words
15 an average so we don't know what's going to be
16 really on our County road.

17 MR. FITZGERALD: So, Director, you
18 somewhat predicted the future. SWAC Counsel,
19 I'm sorry, your counsel for this matter on
20 behalf of the County Mr. Sena will be providing
21 the expert that did attend to some of these
22 issues and would answer some of these questions
23 traffic and some of the other factors that go
24 into a determination as it relates to SWAC and
25 to address the issue of the request to adjourn

1 this until such time as SWAC were to make some
2 different determination. That question was
3 posed and I would advise at this time advise
4 these Commissioners to move forward with today's
5 hearing.

6 The litigation would continue. The
7 litigation has been filed. If there was an
8 arbitrary capricious decision to SWAC made by
9 the court that would end that determination by
10 this Board so that it would then be returned and
11 I don't see that there is a reason to suspend or
12 postpone today's hearing for purposes for that
13 purpose and candidly one of the things I did not
14 talk with counsel about were there a showing of
15 irrevocable harm or a probability of cause on
16 the merits showing cause that was not done. I
17 quite frankly agree that burden would be
18 impossible so it makes sense for the matter to
19 go forward today and I appreciate counsel's
20 assertion but I would be advising you as
21 Commissioner as Counsel to the County to move
22 forward with the determination today on that
23 issue and I think Mr. Sena will probably have a
24 witness after the objector or two to attend to
25 some of those issues.

1 DIRECTOR ARNONE: Is there any counter
2 to Counsel here?

3 MR. LIGORANO: I'm finished with my
4 Direct. Respectfully ask that you deny the
5 request.

6 MR. FITZGERALD: Just to make sure I may
7 have misspoken in terms of testimony. My
8 understanding there was a report rendered to
9 SWAC which is going to be moved by Mr. Sena as
10 part of the record. If there is objection by
11 counsel then I guess it would be testimony but I
12 think we've beaten that horse.

13 MR. VITOLO: No. I'm sorry. What?

14 MR. FITZGERALD: Mr. DeFeo's report any
15 required testimony from that report.

16 MR. VITOLO: Do I require testimony?

17 MR. FITZGERALD: Yes. We're going to
18 move the report in.

19 MR. SENA: Just to be clear I'm sure the
20 Commissioners will consider the figures that
21 were considered in Mr. DeFeo's report. I think
22 what County Counsel is asking do you have any
23 questions for Mr. DeFeo before that happens.
24 They were just going to consider it.

25 MR. VITOLO: I mean obviously you know

1 is he here?

2 MR. SENA: Yeah. Right here.

3 MR. FITZGERALD: You move the report you
4 can cross.

5 MR. VITOLO: If you move it in have you
6 given the directions to the Commissioners of
7 what it is and what it's for?

8 MR. SENA: Yeah. So Mr. DeFeo's report
9 they've obviously received it and I'm sure
10 they'll consider.

11 MR. VITOLO: Right.

12 MR. SENA: When they deliberate.

13 MR. VITOLO: Because I asked the
14 question when we got Mr. DeFeo's report is that
15 a study showing the need for the facility and
16 you said it was not.

17 MR. SENA: No. It's a census of the
18 capacity for the County.

19 MR. VITOLO: That's important, okay,
20 that report from Mr. DeFeo is not a conclusion
21 that there is no need for this facility. That
22 is not what it says, correct?

23 MR. SENA: I agree with that. Let's
24 talk about that right now because there is a
25 member of the public that has questions. In

1 your binders there is a report you procured.
2 Item 5 it's a report prepared by Mr. DeFeo the
3 County's Solid Waste Consultant. What Mr. DeFeo
4 was asked to do was take a consensus of the
5 capacity in Monmouth County because of the
6 statute and we will talk about this further when
7 you deliberate, you're required to consider what
8 the capacity is when you consider a new
9 facility. Mr. DeFeo wasn't asked to otherwise
10 opine.

11 DIRECTOR ARNONE: Could I just ask a
12 question?

13 MR. SENA: Sure.

14 DIRECTOR ARNONE: It's a very simple
15 question. Is there a capacity each facility is
16 allowed to maximum takes?

17 MR. SENA: Yeah. Based on the permit,
18 yeah.

19 DIRECTOR ARNONE: That's all I need to
20 know.

21 MR. SENA: I wasn't planning on having
22 Mr. DeFao testify as a witness.

23 MR. VITOLLO: With that representation
24 I'm fine.

25 MR. FITZGERALD: Look you're closing is

1 you can opine as you wish based upon. I just
2 wanted you to be aware that's going in as
3 evidence. Jason, any other objectors?

4 MR. SENA: No. There may be members of
5 the public who want to speak. We have to open
6 it for purposes of the record.

7 MR. SENA: At this time I would ask if
8 there are other members that wish to be heard.

9 DIRECTOR ARNONE: Are there any members
10 from the public that wish to be heard? Sure.
11 If you could come up and state your name and
12 address.

13 MR. PARISI: Marc Parisi. Howell
14 Township. Thank you. Director and
15 Commissioners, congratulations on your
16 reelection. I've been a Howell resident since
17 2014. I've been following this application
18 since it came before the Town in approximately
19 2017. 2018. I was at the SWAC meeting that
20 they held in January of 2018 in Howell Township.
21 It was packed. Standing room only. Many
22 Township officials that were there that were in
23 opposition of the project at this time. I know
24 there was some brief discussion whether or not
25 the Township was in favor of the project or not

1 but if you were in the room that night it was
2 pretty clear that everyone was opposed to it
3 including the late former Mayor Bob Walsh,
4 Former Deputy Mayor Robert Mizastro, Mayor
5 Berger. There were numerous Township officials
6 that were there and spoke in opposition to that
7 project and that was in January of 2018.

8 Having looked at that application and
9 compared it to the current application it's not
10 that different other than they reduced some of
11 the tonnage. I mean it's essentially the same
12 application for the type of project with the
13 types of waste as far as I understand. I'm not
14 an expert in any of this. I just try to be as
15 informed as I possibly can.

16 I know that I was at the meeting in
17 January 2024 where Howell Township approved the
18 Settlement Agreement with this owner operator
19 I've said it before and I'll say it again on the
20 record that the Township did not make that
21 Settlement Agreement available to the public
22 prior to them voting on it. The Agreement was
23 not read into the record prior to the Council
24 voting on it.

25 They gave a presentation regarding the

1 Agreement in which they talked about some of the
2 general terms of the Agreement but the Agreement
3 itself was not made available to the public so
4 that we could review it days in advance of the
5 actual Council voting on it so we could ask
6 specific questions of our elected officials
7 about that Agreement. That's important that you
8 guys know that.

9 I'm not asserting that as a violation of
10 any Open Public Records Meeting anything like
11 that. I'm just saying the public is not
12 provided with that document.

13 I know that at that meeting that there
14 was representations made that this particular
15 property had open DEP violations and there were
16 representations made by Township officials and I
17 believe the Applicant's representation that
18 those issues would be resolved through the DEP
19 somehow some way but that wasn't really germane
20 or relevant to the hearing of the Settlement
21 Agreement itself.

22 That was brought up again on September
23 10th of this year when SWAC held a Hearing that
24 there was still outstanding DEP violations.
25 Again it seems to be kind of dismissed. I will

1 tell you that I went on the DEP data this
2 morning and printed out the 17 page document
3 showing that there continues to be pending DEP
4 violations on this property. I printed one
5 copy. I am more than happy to give it to
6 whoever wants it. If they want to submit it
7 into the record but my concern with that as a
8 resident of Howell is that you know.

9 MR. VITOLLO: Can I see that please?

10 MR. SENA: Yeah. I want to see the
11 document. What is this, Mr. Parisi?

12 MR. PARISI: This morning I went into
13 the DEP block and lot of this particular
14 property and printed out the 17 page document.
15 I searched the time period from January 1st 2016
16 up until today of November 7th 2024 and this is
17 what I printed out. It showed like air quality
18 pending violations. There's some violations
19 that have been resolved. There are some
20 violations that are still pending. I just think
21 that it's important that this Commission knows
22 if you're going to be granting this application
23 to an owner operator that you have a full scope
24 as to whether or not they've been in compliance
25 with current DEP regulations and whether or not

1 they're going to be operating you know in good
2 faith going forward you know if they're have
3 been outstanding violations for several years
4 that have not been resolved I think that's
5 important.

6 MR. FITZGERALD: For the record, I've
7 been provided 17 pages of what appears to be a
8 printout of enforcement actions issued at site
9 between 2016 and today and it does list. It
10 also lists penalties assessed and I think what I
11 do with the Commissioners's approval I'm going
12 to go and make four or five copies of this to
13 make them available to all Counsel so they can
14 address this as part of their presentation and
15 we can also make this part of the record which
16 we're permitted to do. You can object to it.

17 MR. VITOLO: Yeah. I object. Mr.
18 Parisi has been here with his list at least two
19 other hearings and both disregarded it. It's
20 not relevant. I'll have Mr. Gelbwachs get up
21 and address it but to make it an entire case
22 within a case I object to. That's overbroad,
23 sir.

24 MR. FITZGERALD: I think procedurally as
25 a objector he could voice his opinion on this.

1 MR. SENA: He could say what he wants to
2 say but for purposes of the Solid Waste
3 Management Act this is not considered a written
4 objection in the Hearing. The purposes of that
5 certainly he's allowed to say what he wants to
6 say but that document hasn't been provided in
7 advance.

8 MR. FITZGERALD: For purposes of
9 housekeeping I'm going to make copies anyway so
10 Counsel has it. I'm going to give it to Mr.
11 Sena for him to maintain it and then you can
12 proceed, Mr. Parisi, and have an opportunity to
13 finish. I in artfully cut you off. I
14 apologize.

15 MR. VITOLLO: Now that you mention I do
16 object. I'll take a copy but I do object to it
17 being into the record. I did not receive it.
18 It's irrelevant and we move to strike it if you
19 guys did admit it. Thank you.

20 MR. FITZGERALD: You can finish.

21 MR. PARISI: As I previously said these
22 DEP violations were issues that were raised both
23 in January and September of this year so this is
24 not new information. As Mr. Vitolo just said
25 he's aware that I brought these issues up.

1 Whether or not resolve these pending violations
2 I have no specific knowledge. Having reviewed
3 the DEP website as of today they're still
4 showing as pending. As a layperson resident
5 makes me concerned that you have an owner
6 operator that has not made an effort to resolve
7 violations that are as old as a year and a half.
8 Two years. That concerns me.

9 One of the things that I raised at the
10 September 10th SWAC meeting was the proximity of
11 this property to the Laraby substation. That
12 was also alluded to earlier in this meeting and
13 at that time I questioned Mr. Vitolo and his
14 expert over here Mr. Ward, right, if they had
15 done any due diligence to investigate any
16 regulations regarding having a utility use with
17 this solid waste use in such literally adjoining
18 property lines regarding setbacks and any other
19 regulations that might be relevant to this
20 application and they had told me that there was
21 no investigation made regarding that whatsoever
22 which was a concern to me.

23 It does also concern me that and I guess
24 my question to them today would be since we had
25 that meeting on September 10th have either of

1 you made any efforts to further investigate and
2 explore if there is any state regulations, local
3 ordinances that would somehow change this
4 application because of the proximity to the
5 proposed expansion of the Laraby substation.
6 It's been nearly two months.

7 MR. VITOLO: You probably should have
8 asked that when they were testifying but I will
9 offer to recall Mr. Gelbwachs after you're
10 finished and he can answer questions about your
11 17 pages that you submitted.

12 MR. FITZGERALD: We can't ask. We don't
13 ask the lawyers questions which is kind of part
14 of the fun going to law school we can't make
15 them witnesses so he will not be answering
16 questions. He will just put his witness up as I
17 appreciate as a courtesy counsel doing, he will
18 direct you to his client.

19 MR. PARISI: I appreciate that. There
20 were also some other you know, Director Arnone,
21 you talked about your concern the County and the
22 County road system that's been a theme
23 throughout your questions the impacts this could
24 have on County roads and especially with other
25 potential development. This is something that

1 I've raised previously in the past that you know
2 a lot of people don't spend time looking at the
3 Monmouth County Scenic Roadway Plan from
4 September 2021 but I've looked at it a couple of
5 times and I found that it's informational as far
6 as siting of certain projects in Howell and that
7 this section of County Road 547 is considered a
8 scenic road and within that there's you know an
9 understanding that they're going to limit the
10 development along that section of 547 to
11 maintain the scenic nature of that road.

12 I would go as far as say try to limit
13 development that's going to bring in
14 non-passenger vehicles so consistent with what
15 you've been talking about I think that the
16 County Commissioners are absolute within their
17 right to consider the fact that this section of
18 547 is a scenic road and that this particular
19 project would be bringing in non-passenger
20 vehicles.

21 It's no mystery that the 547 195
22 exchange is a mess at certain times of the day.
23 There is substantial queuing that takes place on
24 that section of 547. You guys are all familiar
25 with what I'm talking about, right, the 537 the

1 Herbertsville right there.

2 During the morning and evening peak
3 travel it's a disaster. This applicant has
4 already testified that you know there may be
5 sorting that takes place after their operational
6 hours after 3:00 and creating additional truck
7 traffic northbound because we all know it's not
8 collecting waste from Ocean County. Then all of
9 the trucks are going to be traveling southbound
10 to the facility and then back northbound of 547
11 or a vast majority of them I would assume.

12 There may be some that disperse east and
13 west. The siting of this project can't be worse
14 when it's the southeasternmost corner of the
15 property. It's not centrally located within the
16 County and it begs the question why you would
17 want to site a project like this that close to
18 Ocean County border if it's not going to be
19 accepting waste from Ocean County? That's a
20 rhetorical question that you should ask and ask
21 yourselves.

22 I don't believe that the traffic expert
23 did explore any traffic impacts at that
24 intersection of 547 and 195 and I say that
25 because previous questions at the SWAC meeting

1 on September 10th. Mr. Ward made a comment
2 about how the zoning change on this property
3 wasn't significant. I would disagree with that.
4 After the Monmouth Commerce Center warehouse
5 application was denied in 2020 and the Town
6 changed the zoning on this property it changed
7 it from SED to SED 2 eliminating warehousing
8 uses on that particular property. So the fact
9 that they want to build a waste transfer station
10 with a 36,000 square foot warehouse or facility
11 on it is very akin to warehouse facility so I
12 would submit that this application if it needed
13 to go before our land use board would need
14 variance relief for this project.

15 So regarding the traffic you know this
16 whole thing about averages this is something
17 that the public has the same questions on
18 September 10th at the SWAC hearing about you
19 know these numbers like how did you get to these
20 numbers if you have a four ton truck you know
21 and a thousand tons a day you can all do simple
22 math and some of it doesn't add up and you start
23 talking about averages. What if you had a slow
24 week? The average week is going to be 560
25 trucks so if you have a slow week where there's

1 only 10 to 20 trucks a day are you now having
2 1,500 trucks in that week because that's what it
3 averages out? You know like what does this
4 really mean you know like when you start having
5 hundreds of trucks per day on 547 you know
6 queuing on Randolph Road and you know up towards
7 the 195 exchange you know we're traveling you
8 through local roads. Miller Road going out to
9 Lanes Pond Road or they decide to go down
10 Randolph Road and Lakewood Allenwood Road into
11 Ramtown you really have to look the at the map
12 and see where these trucks are going to go if
13 this you know happens you know the way they're
14 saying it's going to happen.

15 So listen I've said a lot. I'm not
16 going to drone on. I will let you deliberate
17 but my feeling is that this is a poorly sited
18 project and I would respectfully ask you to deny
19 it. Thank you.

20 DIRECTOR ARNONE: Thank you. What next?

21 MR. VITOLLO: We're going to recall Mr.
22 Gelbwachs just to briefly address the
23 violations. Give you an update on where we are
24 with that.

25 THE WITNESS: When we took over the

1 property there was a number of violations
2 existing plus ones that were discovered.

3 MR. FITZGERALD: Can we fix a time when
4 did you take over the property?

5 THE WITNESS: Two years.

6 MR. FITZGERALD: Two years ago 2022. I
7 ask that Commissioners because the records
8 provided have violation dates 2016 to 2024 so
9 Pages 1 through something would be prior to this
10 gentleman's involvement with it.

11 THE WITNESS: Some items once we started
12 working with the DEP to correct everything but
13 we're working hand in hand to correct all items.

14 DIRECTOR ARNONE: Thank you. Is there
15 any more testimony?

16 MR. FITZGERALD: The only suggestion I
17 would have, Director, we have a hard stop at
18 3:30. I assume the two closing arguments would
19 be from the representative from Mazza and the
20 Applicant's Attorney.

21 DIRECTOR ARNONE: Nope.

22 MR. SENA: They're fine. Frank.

23 MR. VITOLO: I have five minutes,
24 Counsel.

25 MR. FITZGERALD: That's fine. We may be

1 closing but then would you want to recess and
2 return for deliberations because of the time
3 constraints?

4 DIRECTOR ARNONE: Do what you got to do.
5 Basically closing arguments you said you have
6 five minutes.

7 MR. VITOLO: Five minutes.

8 DIRECTOR ARNONE: I mean what are we
9 talking time wise?

10 MR. SENA: I can't imagine any more than
11 another hour.

12 MR. FITZGERALD: Deliberating is up to
13 you. The three of you then with counsel would
14 deliberate on this, review the documents that
15 are there, speak with counsel on this particular
16 issue that could be totally up to you. That
17 could be 10 minutes it could be days that's your
18 choice and then when you determine you're in a
19 position where you have the information you
20 need.

21 MR. SENA: Right. You know the
22 deliberations would take place in the public
23 today, right, and they have to vote public.

24 MR. FITZGERALD: A resolution.

25 MR. SENA: Right. So what sometimes

1 will happen you know let's assume we deliberate
2 and vote today. What we have to adopt a
3 Resolution pursuant to the Solid Waste
4 Management Act. Obviously I haven't prepared a
5 Resolution because I don't know what the
6 decision is. We'll have to adopt that at our
7 next regularly scheduled meeting. We have to
8 conclude the Public Hearing today at least.

9 MS. KILEY: We haven't heard from any
10 residents. We heard from one but you know I
11 think the biggest impact of this is going to be
12 on the people that live there and I'm sure
13 you've had some kind of meetings with them as he
14 testified but I just have no idea what I would
15 hear if I went down to local residents and said
16 what do you think of this?

17 MR. SENA: I can speak to that because
18 the first Public Hearing that occurred in Howell
19 Township there was extensive public
20 participation and we have the transcript of that
21 for review if you'd like.

22 MS. KILEY: Okay.

23 MR. SENA: We can also provide. It's
24 not in the binder because it's thick that's the
25 only reason it's not in the binder. That did

1 occur. There was extensive participation in
2 that Hearing.

3 MR. VITOLLO: The only thing I would add
4 I have a telephone conference 8:30 in the
5 morning with the judge.

6 MR. FITZGERALD: Why don't you close.

7 DIRECTOR ARNONE: We'll close out.

8 MR. SENA: I'll advise Commissioners how
9 to deal with the judge.

10 MR. VITOLLO: I'm just saying what he
11 told me.

12 MS. KILEY: We're going to vote today.

13 MR. VITOLLO: That is what we promised
14 the judge and we've been delayed so many times
15 that he is now scheduling conferences at next
16 morning at 8:30 after each one of these meetings
17 and he wants to know why certain things didn't
18 happen.

19 MR. SENA: Respectfully, Mr. Vitolo,
20 I'll advise the Commissioners. I appreciate
21 your say.

22 DIRECTOR ARNONE: Let's move forward.

23 MR. VITOLLO: Thank you. So a lot of
24 times when I make these presentations to Boards
25 particularly you know land use talking about

1 land use case people have strong opinions, okay,
2 people have strong opinions. The Commissioners
3 you have opinions. Members of the public have
4 opinions but the law binds us to make decisions
5 on the record that's what we have to make
6 decisions on and the documents in the record and
7 the testimony and the expert testimony that you
8 heard that is what if this, for example, were to
9 go to a court? I would argue to the judge it's
10 bound by what's in the record, okay, not what
11 someone thinks or what their experience or my
12 personal.

13 I've had witnesses or Board Members in
14 cases who have gone to Home Depot and bought
15 measuring wheels and started measuring distances
16 because they think they know you know more than
17 my experts so you know and I've one those cases
18 because we have to be bond by the record. Today
19 and over the last years we have appeared at
20 these bodies at Howell where there was Notice,
21 public participation and the elected
22 representatives of Howell were all sitting at
23 the front. They listened to every resident and
24 their concerns including this gentleman who was
25 there and as the elected officials they voted to

1 approve this deal so they considered what all of
2 the citizens and the citizens knew about this
3 meeting because we posted it in the library at
4 the shopping center. It's been in the newspaper
5 numerous times. One person came here today on
6 this application now and I'm not demeaning his
7 opinion he's got strong opinions and they're
8 actually well educated, et cetera, but there's
9 one person on this supposedly controversial
10 project in Howell one human being showed up
11 here. The rest of the people before you are the
12 competitors and while opposing counsel says oh
13 they got to do what's right and good. Please.
14 They're here because they do not want this
15 facility to compete with their facility plain
16 and simple and you had experts here again use
17 your eyes human beings who came here to defend
18 their positions today and their reports have
19 gone unchallenged.

20 There was no one here challenging the
21 conclusions of Mr. Ward and there was no one
22 here challenging the conclusions of my traffic
23 expert. There is minimal impact from this
24 project. You can say average truck. That
25 truck. Maximum trucks. They counted the truck

1 trips that we said would occur on this site and
2 it was minimal. Not medium impact. Not a great
3 impact.

4 Commissioners, you mentioned
5 hypotheticals. Churches don't build parking
6 lots based on Christmas Eve. You don't build
7 something out expecting the worst case scenario.
8 Will there be days more trucks of course as any
9 other business but the experts, the ones who
10 came and testified before you today looked at
11 the traffic data, they used their years and
12 years of experience in this industry, they came
13 up opinions, they proved them and they testified
14 to defend them that is what's in the record.
15 There was nothing said here at this Hearing at
16 SWAC or at Howell. We heard no expert witness
17 come before a body swear in person and say that
18 our traffic study doesn't hold water.

19 Nobody said that and no one has said it
20 since. So this idea that the traffic this is
21 going to burden the roads. As one of my
22 witnesses the trucks are already on the roads.
23 Mazza's trucks are on the roads. If they come
24 to our facility instead so be it but because
25 we're opening up a facility it's not going to

1 create. People aren't going to start knocking
2 down houses because we open up a facility.
3 We're all competing for the same business. And
4 by the way we're putting in a traffic signal,
5 Commissioners, that's going to change an
6 intersection from failing F to B. That's big
7 time for an application like this. That is
8 going to cost a fortune as has the last nine
9 years of this insane process honestly. It has
10 been we had to file a lawsuit just to get a
11 vote. Nine years.

12 These are good people. They just want
13 to open up a transfer station on a property that
14 already is a solid waste facility. It's not
15 like we're knocking down homes or trying to put
16 something next to you know residential areas.
17 This is an industrial area with a facility that
18 already exists and again use your eyes it looks
19 so much better than what's there. Take a ride
20 there. They are moving all of the operations
21 inside. They're creating this nice office.
22 They have a lane that's going to queue all of
23 the trucks. None of that exists here today so I
24 mean I hate to be you know I hate to be cynical
25 but for the only people to be here today are the

1 only ones that are going to have an impact
2 economically from our business that's it aside
3 from this gentleman here.

4 So this facility has now gone through
5 two rigorous processes. Negotiating with Howell
6 was not easy. They had like you said a whole
7 room full of residents. We had to do many, many
8 changes. We made many concessions that we did
9 not want to make but we made them because they
10 really do believe that they're going to have a
11 successful business that will serve the
12 community.

13 SWAC the same thing. These are people
14 in the industry. They asked great questions.
15 There was public there. There was testimony.
16 Our experts were all there. And SWAC voted 4 to
17 1 to approve. Why? Because they told us they
18 said we believe that competition is good. This
19 is a good business. We like the plans. We like
20 the fact that you're going to have everything
21 inside. Less noise. Less everything. Looks
22 good to us. Yet here we are today with still
23 the objectors and everyone trying to question
24 traffic. It's just talking words. We have the
25 testimony from the witnesses and that's what

1 binds the Board. Not opinions or hypotheticals
2 or suppositions or you know that is what binds
3 the Board and we believe we have proven our
4 case, Commissioners. This has been a nine year
5 odyssey and we please respectfully ask that you
6 approve this. DEP will deal with any issues if
7 there is issues regarding DEP regulations.
8 Trust me DEP will handle those issues and we
9 like we've done every step of the way here is we
10 will work with them and we will make sure that
11 we comply.

12 So thank you for your time and hearing
13 us out and hopefully we can get this business
14 off the ground. Thank you so much.

15 DIRECTOR ARNONE: Thank you. Any other?

16 MR. SENA: Motion to close the Public
17 Hearing.

18 DIRECTOR ARNONE: Motion to close the
19 Public Hearing.

20 MR. SENA: All in favor?

21 Ayes.

22 MR. SENA: At this point we should
23 deliberate. I believe there is a time
24 constraint. If you have a legal question about
25 what the law is or something like that I can

1 answer that in executive but other than that we
2 have to deliberate in public. You heard all of
3 the testimony that was presented today. There
4 was an earlier Public Hearing before the SWAC.
5 The SWAC considered what was presented to them
6 and they voted and they adopted a Resolution
7 memorializing that vote that occurred you know
8 following the Public Hearing. What I include in
9 your binders there's the application submitted
10 by Resource Engineering dated March 29th 2024
11 which includes specific information on the
12 facility, Resources's traffic study, Ocean
13 County Landfill objection which is Item 3,
14 Mazza's Recycling Services's rejection which is
15 Item 4. Item 5 is the Solid Waste Management
16 Plan Amendment, I'm sorry, Analysis prepared by
17 Wayne DeFeo. Mr. DeFeo as you know is procured
18 as the County Solid Waste Consultant solely for
19 assessing what the current solid waste capacity
20 in the County because pursuant to the law you
21 have to consider what other facilities exist and
22 what the capacity is when you consider plan
23 amendment exists. That's the purpose of Mr.
24 DeFeo's report.

25 You heard some exchange between me and

1 the Applicant's Attorney earlier you know there
2 was a lot of discussion of what the report was
3 for. The report isn't a report about this
4 application. It's a report about what currently
5 exist in the count and what capacity is that's
6 the information that you have to consider.

7 There's a supplemental traffic study
8 prepared by the Applicant Item 7 that's prepared
9 in response to a traffic study that was included
10 by one of the Objectors. Then you have the
11 information from the SWAC, the Public Hearing
12 report, the Resolution. I did include the
13 transcript of the October 8th SWAC meeting
14 because as you may recall when we last met on
15 this application the SWAC did hold an extensive
16 Public Hearing following which they voted but
17 they didn't place any reasons on the record so
18 what they did then did was Notice another public
19 meeting, they adopted a Resolution and they
20 discussed the reasons on the record but that's
21 what the application is. It's before you. I'm
22 happy to answer any legal questions that you
23 have or anything like that.

24 DIRECTOR ARNONE: So I guess I'm a
25 little frustrated.

1 MR. FITZGERALD: If you have a legal
2 question for Counsel you ask to go executive.

3 DIRECTOR ARNONE: Yeah, I know.

4 MR. FITZGERALD: Don't ask the question.

5 DIRECTOR ARNONE: Sometimes I don't know
6 if it's a legal question or not.

7 MR. FITZGERALD: You can't un-ring that
8 bell so if it might be.

9 DIRECTOR ARNONE: I wonder is there some
10 sort of regulation and I'm using simple numbers.
11 I'm sure everybody has to supply a permit to DEP
12 on what their tonnage will be or their maximum
13 tonnage will be. There has to be I would
14 imagine. Is that true or?

15 MR. SENA: Yeah. They have the DEP
16 regulation permits.

17 DIRECTOR ARNONE: The other facilities
18 in the County their permit whatever that permit
19 is are they meeting or exceeding the amount of
20 tonnage that they're accepting?

21 MR. SENA: So that is a question. If
22 you refer to Item 5 in the binder Mr. DeFeo's
23 report he talks about what the other facilities
24 are and what they've been processing in terms of
25 tonnage.

1 DIRECTOR ARNONE: Do you want to give us
2 that or do you want us to sit here?

3 MR. SENA: Yeah. Each of the facilities
4 is limited by what the permit is. What the
5 permit limit is. Mr. DeFeo analyzed the
6 available capacity in the County based upon what
7 those other facilities are allowed to process.

8 DIRECTOR ARNONE: And are they meeting
9 that number or exceeding it?

10 MR. SENA: Well there is so I'm
11 referring to Page 4 Mr. DeFeo's report which
12 indicates on the bottom paragraph over the last
13 11 years data analyzed Monmouth County disposed
14 of 708, 820 tons of solid waste per year.
15 Concurrently Monmouth County has solid waste
16 processing of 805, 587 tons per year so there is
17 some room there because there's capacity in
18 excess of what's permitted by 96,786 tons so
19 there is room from the facilities that are in
20 the plant.

21 Remember there are four facilities that
22 exist include the Reclamation Center. There's
23 room from what they're allowed to process
24 currently from what we have.

25 DIRECTOR ARNONE: Okay. And I guess the

1 thing and I know Counsel explained it very good
2 but it's still in my mind that the truck size
3 and the roll off size of material and then the
4 request from the Applicant they just didn't pull
5 it out of their hat the number of a thousand
6 tons, okay, I would think they're anticipating
7 that and as they should they're in business,
8 okay, but with that and the size of trucks
9 you're saying are coming obviously it's going to
10 be much higher than 80 trucks a day and you know
11 I look at that average and it makes me very
12 concerned because it's a County road and on top
13 of it at the end of the day no disrespect to the
14 Howell, okay, and quite frankly I'm not pleased
15 with Howell because quite frankly and you guys
16 did a great job negotiating with Howell but they
17 never even contacted us and told us, okay, I
18 heard that on the street but they sure didn't
19 mind calling me in 2015 and 2016 in a rage when
20 they wanted and they did not agree with this
21 application, okay, but they surely didn't call
22 us and tell us that they approved this
23 application and that they negotiated a very good
24 deal for them which I all for them. Good for
25 them. So I'll put that on the record, too,

1 Howell, and any elected official there does not
2 make me happy the way they handled it. Terry
3 O'Connor you were here with me and you saw that
4 rage of all of the elected officials back then
5 and then I just wonder the impact to our roads
6 and the traffic study that's got me you know not
7 saying that your traffic study isn't well
8 detailed but we're using trucks and you're not
9 saying the amount you know never in your
10 testimony did you say the truck is going to be
11 this size truck and it's going to be that much
12 material off there. I mean it's simple math
13 that it's going to be a lot of trucks coming
14 down there. I mean it's just things that are
15 roaming in my mind.

16 As far as the competition that's really
17 not up to me. My personal opinion I mean I do
18 not want to see people losing their jobs that
19 already have jobs because obviously we always
20 want to see jobs increasing here. It's very,
21 very important but retention is just as much as
22 supplying new jobs there so but that's
23 competition and that's the field that they're
24 in.

25 I'm having a tough time with the traffic

1 and the word average if there was a maximum on
2 there but what do you guys think?

3 MR. DIROCCO: I'm struggling a little
4 bit too and I appreciate great testimony from
5 you know the experts and the owners very
6 earnest. I appreciate all of that. There's
7 some unanswered questions too that I'm
8 struggling with around truck traffic and talk
9 about averages I looked through the Howell
10 agreement sitting here and there's nothing about
11 maximum or limits. It's all about averages.
12 And that kind of questions what's going to
13 happen there.

14 Hours of operation I know the trucks are
15 going to stop at a certain time but we don't
16 know after that there's nothing in the agreement
17 specifying what's happening on that site which
18 is you know talking about a big site with a lot
19 of industrial and you know related operations.
20 We're not really sure what the limits and
21 parameters around that will be.

22 Adjacent uses we've got a lot of other
23 things happening in the area that you know
24 Laraby substation is again ground zero for a
25 fairly significant increase in utilization.

1 You've got warehouse spaces and other things
2 happening. A lot of unanswered questions. I'm
3 also struggling with how it affects into the
4 matrix decisionmaking and what it means for
5 traffic and impact on County operations and
6 County roads.

7 DIRECTOR ARNONE: And the other thing
8 that I do want to just touch a little bit on and
9 it has nothing to do with this project but
10 example in closer proximity without naming the
11 town there is a large project going on a County
12 road and we have no ability to make the decision
13 whether approved or not. It's a town municipal
14 but it's on a County road.

15 What we did require them because of
16 similar to this situation to put a traffic light
17 on there and it's being done quite frankly it's
18 being done right. As we speak the traffic light
19 in the development being developed right now but
20 what's ironic about it is and I foresee this
21 same scenario happening not that I know we're
22 elected officials and we have to you know you
23 just go to do what you have to do, okay, but
24 this Board here is getting the full blunt end of
25 the negativity in the whole region about it and

1 if anything we did the right thing. We made
2 them put a traffic light. We had no ability to
3 have input or make decisionmaking on the actual
4 development and these elected officials in that
5 town are sitting back and saying County. It's a
6 County road. We didn't approve the project
7 there and this is similar to what my good
8 friends in Howell which, listen, I know I'm very
9 blunt with them and I will tell them when I see
10 them probably in about 15 minutes when I call
11 they will but I'm uncomfortable with whatever
12 way this goes here that they weren't as I guess
13 responsive to us and to give us the information
14 as they were the last time when they were
15 totally against this project there and I
16 understand and maybe they did it for financial
17 reasons. I don't know their financial budgets.
18 I don't know the reasons they did it.

19 It seems it's the same governing body
20 that was so far against it the last time and I
21 know it was the Mayor there that was and now
22 granted the Mayor is no longer there as of
23 January.

24 MR. SENA: Yeah. Director, I would say
25 I don't want to impose a time limit. There is

1 other reasons.

2 DIRECTOR ARNONE: I don't want the judge
3 to be mad at us either.

4 MR. SENA: Right. I respect the judge
5 and the judge look I know there is a time limit
6 I guess an obligation nothing to do with this
7 application. If you need, if you want to
8 continue to deliberate on this to another
9 meeting we would have to you know Public Hearing
10 is over. We're not taking additional testimony
11 but if you wanted to continue to deliberate on
12 this at another meeting you could do that
13 because I don't want there to be, I don't want
14 you to feel like you're rushed.

15 DIRECTOR ARNONE: I don't want to rush
16 because it's impactful. It's impactful for
17 these gentlemen here. I totally understand
18 that. I respectfully don't want to do that.

19 MS. KILEY: You guys are much more
20 expert in this sort of thing than I am because
21 you have much more experience with it. There's
22 two things that like just feel squirrelyf to me.
23 I don't know how else to say it. You know
24 you've got a town that shows up at a meeting and
25 violently angry about this happening a County

1 Committee that says they don't want it and then
2 all of a sudden there's a complete role reversal
3 to a positive and I don't understand that. I
4 don't know what happened there and then you know
5 the only other experience I have with trucks
6 coming up and down a main road or a County road
7 is that in my town when they had to do work on
8 the highway all of the trucks came down that
9 County road and it was loud. It built up
10 traffic. People weren't happy about it.

11 I do think that what you talked about in
12 the way you want to run your operation is
13 terrific but those are the two things that are
14 still kind of sticking to me. Why is Howell
15 going totally role reversal?

16 MR. SENA: So I would say under the
17 statute we have to consider in addition to all
18 of the testimony that was presented is the
19 existing facilities in the County and the
20 County's needs that's the primary focus of the
21 solid waste management plan which you are the
22 overseers of.

23 DIRECTOR ARNONE: But it has to be some
24 sort of impact also to the area that exists.

25 MR. SENA: Absolutely. I'm not

1 discounting the things you're talking about now.
2 I'm saying those are the things you have to
3 consider.

4 MR. VITOLO: Counsel, we'd be happy
5 despite what I said about the judge to allow the
6 Board further time to deliberate. It sounds
7 like they have questions and concerns and I
8 wouldn't object to you counseling them outside
9 of you know if they had legal questions so I'm
10 happy to defend that.

11 DIRECTOR ARNONE: I appreciate that.

12 MR. SENA: Yeah. I don't want to be in
13 a situation where you have to cut short for any
14 reason.

15 MR. VITOLO: No.

16 DIRECTOR ARNONE: I appreciate that. I
17 know this has been going on. I've been here
18 longer so I've been through it hearing over and
19 over. I appreciate you bringing that up,
20 Counsel, I do and now when you say so we
21 shouldn't speak about it.

22 MR. SENA: Right. The deliberation on
23 the merits of the application. We will have to
24 continue at our next available meeting.

25 DIRECTOR ARNONE: But if we decide to

1 generate more questions.

2 MR. SENA: You can always ask me any
3 question privately.

4 DIRECTOR ARNONE: We have to ask you
5 privately.

6 MR. SENA: You can contact me
7 separately. My advice to you is privileged. I
8 speak to the Administrator and Assistant
9 Administrator and County Counsel regularly or
10 you can contact me directly about a legal
11 question about the application.

12 DIRECTOR ARNONE: Do you guys agree with
13 that?

14 MR. DIROCCO: Yeah. That's fine.

15 MS. KILEY: I agree.

16 DIRECTOR ARNONE: Our next meeting is
17 December 12th and we would make the decision.

18 MR. SENA: Yeah. We would have to
19 deliberate in public which your next meeting was
20 already Noticed. We're not continuing the
21 Public Hearing.

22 DIRECTOR ARNONE: Are you okay with
23 that? We'll promise to make a decision.

24 MS. O'CONNOR: I'm not an attorney but
25 you just got these binders today. I think the

1 answers to some of your questions are in these
2 binders to review this before your next
3 deliberation you may have and any answers that
4 you're looking for.

5 MR. VITOLO: And the documents we
6 submitted. The whole pile.

7 DIRECTOR ARNONE: In all fairness no
8 disrespect to the SWAC but they had this
9 information when they made their determination.
10 I believe it's been eight years.

11 MR. VITOLO: They actually didn't have
12 the November 5th letter that these guys just
13 submitted yesterday.

14 MR. SENA: By evidence they weren't in
15 my binder.

16 DIRECTOR ARNONE: Thank you. I want to
17 rearrange the meeting schedule for December 12th
18 so we come in.

19 MR. FITZGERALD: You have to pick a time
20 to Notice them.

21 MR. SENA: No. We closed the Public
22 Hearing. It's over. Deliberation has to occur
23 at a Public meeting. No further testimony on
24 the merits of the application.

25 MR. FITZGERALD: What time?

1 MS. BROWN: One thirty.

2 MS. O'CONNOR: You could do noon.

3 DIRECTOR ARNONE: Let's do what we did
4 today. Is that okay?

5 MR. FITZGERALD: Definitive time so the
6 folks only interested in the SWAC portion would
7 know they can come deliberation time.

8 MS. O'CONNOR: If you start at 12 or
9 12:30 by the time the last meeting of the year
10 there will be a number of things on the Agenda
11 you probably won't get to your deliberations
12 until 1:00 would be my guess. Yes?

13 DIRECTOR ARNONE: I don't anticipate it
14 taking more than 20 minutes. Fifteen minutes
15 for deliberation. I mean we're going to read
16 this and we're going to have our questions for
17 you and then we're going.

18 MR. VITOLO: Yeah. The two
19 Commissioners who recuse can you just remind me
20 what the reasons were for both?

21 MR. FITZGERALD: Commissioner Lictra
22 removed himself because he is related to the
23 Hese family.

24 MR. VITOLO: And the Hese family is?

25 MR. FITZGERALD: Owners of the Ocean

1 County Landfill.

2 MR. VITOLO: Who are objecting to the
3 project.

4 MR. FITZGERALD: Yes. And I could
5 figure that out.

6 MR. VITOLO: I just wanted it on the
7 record. Thank you. Mr. Anderson?

8 MR. FITZGERALD: Mr. Anderson sat.

9 MR. SENA: Prior to being elected to
10 County Commissioners he was the Attorney for
11 Solid Waste Advisory Council in the other
12 lawsuit that we were both party to.

13 MR. VITOLO: You're taking the position
14 that's a conflict because what?

15 MR. SENA: He's recused himself so it
16 doesn't really matter.

17 MR. FITZGERALD: He has made the
18 determination that he is properly recusing
19 himself.

20 MR. VITOLO: Did he provide any color?

21 MR. FITZGERALD: He can provide the
22 color that he wants, quite frankly, that he
23 needs to provide.

24 MR. SENA: Public official can recuse
25 themselves for whatever position he wants. He

1 was the legal representative for the Solid Waste
2 Advisory Council in this application prior to
3 being elected so I totally respect his decision.

4 MR. VITOLLO: I have nothing further,
5 Commissioners.

6 DIRECTOR ARNONE: Motion to adjourn.

7 (Whereupon concluded 3:31 p.m.)
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CERTIFICATE

I, LISA NORMAN, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



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Dated: November 11, 2024

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