

COUNTY OF MERCER, NEW JERSEY
ORDINANCE NO. 2018-₃

1st Reading... April 12, 2018.....
 2nd Reading... April 26, 2018.....
 Public Hearing... April 26, 2018

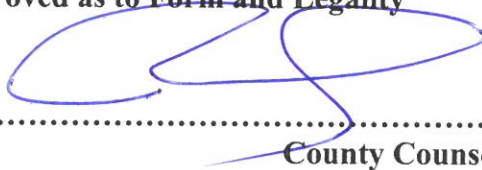
Date to County Executive... May 1, 2018.....
 Date Returned... May 2, 2018.....

Date Adopted:
 April 26, 2018.....

 May 16, 2018.....

Date Resubmitted to Board.....

Approved as to Form and Legality



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 County Counsel

Effective Date

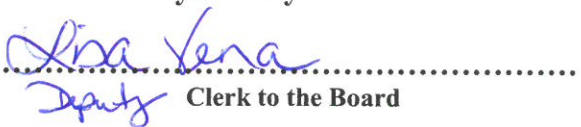
AN ORDINANCE AMENDING THE MERCER COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A SOLID WASTE DISPOSAL SERVICES AGREEMENT TO PROVIDE FOR TRANSFER, TRANSPORTATION, AND DISPOSAL OF ACCEPTABLE WASTE BY AND BETWEEN THE MERCER COUNTY IMPROVEMENT AUTHORITY AND WASTE MANAGEMENT OF NEW JERSEY, INC.

RECORD OF VOTE													
First Reading							Second Reading						
FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.	FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.
Cannon	X				✓		Cannon	X				✓	
Cimino	X						Cimino				X		
Colavita	X						Colavita	X					
Frisby	X					✓	Frisby				X		
Koontz	X						Koontz	X					✓
Verrelli	X						Verrelli				X		
Walter	X						Walter	X					

X—Indicates Vote Abs.—Absent N.V.—Not Voting
 Res.—Resolution Moved Sec.—Resolution Secended

Rejected By.....
 Approved County Executive
 Reconsidered Override
 By Board..... Vote Aye Nay


 Chair of the Board


 Deputy Clerk to the Board

ORDINANCE NO. 2018-3

WHEREAS, the Mercer County Board of Chosen Freeholders (the “Board”) is charged under the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the “Act”) with the formulation and implementation of a plan for solid waste management within Mercer County (the “County”); and,

WHEREAS, by Freeholder Board Resolution No. 82-532, dated December 20, 1982, and Ordinance No. 2006-19, dated December 21, 2006, the Mercer County Improvement Authority (the “Authority”) has been designated as the implementing agency for the Solid Waste Management Plan (the “Plan”) within the Mercer County district; and,

WHEREAS, on April 13, 2002, the Commissioner of the New Jersey Department of Environmental Protection (the “NJDEP”) signed Administrative Order 2002-10, which required the NJDEP to revise, update and re-adopt the Statewide Solid Waste Management Plan (the “State Plan”); and,

WHEREAS, as required in the State Plan, on December 21, 2006, the Board modified and adopted an amendment to the Plan to conform with the findings and recommendations of the State Plan; and,

WHEREAS, the current Plan calls for a solid waste disposal strategy consisting of, among other things, a five (5) year contract for transfer, transportation and disposal at the Mercer County Transfer Station and out of state disposal facilities located in Pennsylvania expiring on October 31, 2018 (the “Current Contract”); and,

WHEREAS, the Authority, as implementing agency, advertised bids for transfer, transportation and disposal services (“Disposal Services”) and such bids were prepared and advertised in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and,

WHEREAS, the Disposal Services were procured in accordance with federal law, including but not limited to, the United States Court of Appeals, Third Circuit decision in Atlantic Coast Demolition & Recycling, Inc. vs. Atlantic County Board of Chosen Freeholders, et al. which requires each solid waste management district in New Jersey to procure waste disposal services so as not to discriminate against out-of-state facilities; and,

WHEREAS, the Authority issued bids for Disposal Services on December 22, 2017 and said bids were received on February 21, 2018; and,

ORDINANCE NO. 2018-3

WHEREAS, the Authority received one (1) bid from Waste Management of New Jersey, Inc. which after review was found to be in compliance with all requisite laws, rules and regulations; and,

WHEREAS, Waste Management of New Jersey, Inc. was the lowest responsible bidder for Disposal Services and the Authority approved the award of contract to Waste Management of New Jersey, Inc. at its March 13, 2018 meeting; and,

WHEREAS, the Act requires the formation of the Solid Waste Advisory Council (“SWAC”) to advise the Board from time to time on the development and formulation of the Plan; and,

WHEREAS, the Mercer County Solid Waste Advisory Council reviewed and approved the proposed amendment to the Plan on March 20, 2018; and,

WHEREAS, a public hearing is to be held on April 12, 2018 at a regular meeting of the Board, to obtain comment regarding the proposed amendment to the Plan and to afford full opportunity for written and oral comments from the public; now, therefore,

BE IT ORDAINED, by the Board of Chosen Freeholders of the County of Mercer, State of New Jersey, as follows:

PART A

The Mercer County Board of Chosen Freeholders hereby adopts the following amendment to the Mercer County District Solid Waste Management Plan:

1. The adoption and approval of a three-year contract, with an additional two 1-year options for transfer, transportation and disposal services to Waste Management of New Jersey, Inc. for the disposal of solid waste from Mercer County, New Jersey.

PART B

This Ordinance shall take effect at the time and in the manner provided by law.