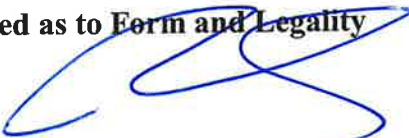


COUNTY OF MERCER, NEW JERSEY
ORDINANCE NO. 2023- 4

1st Reading..... March 23, 2023
 2nd Reading... APRIL 13, 2023.....
 Public Hearing.... APRIL 13, 2023
 Date Adonted:
 April 13, 2023

 May 3, 2023
 Effective Date

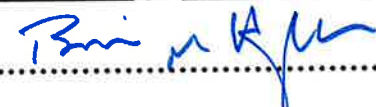

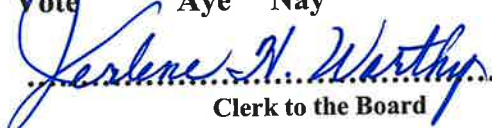
Date to County Executive..... April 14, 2023
 Date Returned.... APRIL 19, 2023.....
 Date Resubmitted to Board.....
 Approved as to Form and Legality


 County Counsel

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						
COMMISSIONERS	Aye	Nay	N.V.	Abs.	Res.	Sec.	COMMISSIONERS	Aye	Nay	N.V.	Abs.	Res.	Sec.
Cimino			X				Cimino				X		
Frisby				X			Frisby	X				✓	
Lewis	X					✓	Lewis	X					
McLaughlin	X				✓		McLaughlin	X					
Melker	X						Melker	X					
Stokes	X						Stokes	X					✓
Walter	X						Walter	X					

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

Rejected By 
 Approved
 Reconsidered
 By Board.....

 Chair of the Board
 County Executive
 Override
 Vote Aye Nay

 Clerk to the Board

ORDINANCE NO. 2023- 4

WHEREAS, the Mercer County Board of Chosen Freeholders, now known as the Mercer County Board of Commissioners (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 Resolution 82-532 dated December 20, 1982, and Ordinance 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 “County Plan”) within the Mercer County district; and,

WHEREAS, the current County 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, 2023 (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 6, 2022 and said bids were received on February 7, 2023; and,

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 February 14, 2023 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 County Plan; and,

WHEREAS, the Mercer County SWAC reviewed and approved the proposed amendment to the Plan on February 21, 2023; and,

ORDINANCE NO. 2023- 4

WHEREAS, a public hearing is to be held on March 23, 2023 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 Commissioners of the County of Mercer, State of New Jersey, as follows:

PART A

The Mercer County Board of Commissioners 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 between the Mercer County Improvement Authority and 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.