

New bidder could put town back in the trash biz

BY MICHAEL LAMENDOLA
Managing Editor

Just a few days after North Arlington officials thought the chance of the trash baler being re-opened in the Meadowlands section of their town was all but dead, a new operator at the facility may indeed be on the way. The New Jersey Meadowlands Commission (NJMC) announced last Wednesday that a move to re-open the baler, which has been a key economic stimulus for the borough in the past, may be announced by the end of the month.

NORTH ARLINGTON

NJMC Executive Director Robert Ceberio said the commission had given him approval to negotiate with Environmental Logistic Services, a trash disposal company out of Bridgewater, which would lease



The trash baler in North Arlington, after two unsuccessful bids to re-open, may have an operator by the end of the month. The New Jersey Meadowlands Commission is currently negotiating a contract with a Bridgewater-based trash disposal company that could provide the borough with host fees and free trash dumping.

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STAFF PHOTO/BETH BALBIERZ

Business to get easier for developers

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The New Jersey Meadowlands Commission (NJMC) passed a series of resolutions last week that will look to revamp the agency's relationship with developers and businesses, audit current agency regulations and better publicize the agency's pre-application services so developers are not hindered by additional costs and time.

NJMC

"These common sense steps would further the NJMC's ongoing efforts to solicit stakeholder input in the rule-making process and assist businesses throughout the development application process," said Lori Grifa, acting chair of the NJMC and the state's Department of Community Affairs (DCA). "By taking these actions, the NJMC can improve its customer service and better encourage economic growth while continuing to protect the health and safety of the environmental and district residents."

The resolutions come about a month after Governor Chris Christie signed his second executive order directing state agencies to strive to reduce processing time for regulatory approvals, draft all proposed rules so they impose the least burden and costs to businesses and propose rules on achieving outcomes rather than on the process of achieving compliance, among many other directives.

"I want to emphasize, this is not about eroding or wearing away the accomplishments of what this agency has done in environmental protection

enhancement, period; end of discussion," said NJMC Executive Director Robert Ceberio. "This does not mean that we will take the thousands of acres that we bought and now designate them and re-zone them as development sites. That's not what the municipalities want, that's not what the people want and that's not what the development community wants."

One resolution passed last week authorizes the NJMC staff to identify any regulations and processes that impede economic development in the region within 180 days.

Ceberio gave one example of a regulation that may hinder small businesses from rooting themselves in the Meadowlands or even expanding their operations: The Meadowlands Transportation Planning District fees. Under the 2007 Meadowlands District Transportation Plan, future developments from its enactment have been assessed a fee commensurate with its impact on the regional transportation system. The fee is devised by a complex formula that multiplies trip generation rates by vehicle miles of travel and factors and rates.

"Smaller business in New Jersey is the backbone of our economy, whether we like it or not. If you put a 50,000 square foot addition onto you warehouse and that's the only warehouse you own, will you really be in a position to pay a \$150,000 or \$200,000 into the fund? Is that fee hurting small businesses? We are not doing away with it, but maybe we need to be smarter with the regulation," said Ceberio.

Ceberio also attributed regulations that may be redundant of those of other state agencies where developers or businesses must abide essentially by the same rule, but under two authorities, such as the NJMC and New Jersey Department of Environmental Protection (DEP).

"We have identified there are parts in our regulations that are duplicative of what someone has to do already for DEP. Why are we asking them to do it again? We have adopted our storm water management regs, the state storm water management regs and we will continue to honor that," said Ceberio. "Why can't a developer just say 'I've received approval by DEP, here Meadowlands Commission' instead of having our staff calculating it, telling them you have to do this, this and this and all of a sudden, they have to get approval from DEP that may be different? It's mixed signals."

Another resolution authorizes the NJMC to publicize the availability of pre-application meetings and the agency's ZOD (zoning officer of the day) program, services available to developers and businesses who before submitting an application can sit and meet with the NJMC to get a better idea of which direction their application should be headed. The ZOD designates a member of the land use and management division to respond to any phone calls, e-mails, faxes and walk-in inquiries from the business community related to permitted land uses, planning, redevelopment and application procedures.

"There are some applications that come in where architects,

engineers and attorneys have predetermined that this is the best way to go and it may require 16 variances," said Ceberio. "When they get here, what my staff normally does, they will say, 'if you shift the building over one foot, you can eliminate eight variances'. We want everyone to know, we want you to come in first."

A final resolution passed by the board establishes a regulatory advisory group for each rule-making that may include a member of commerce, local environmental groups, municipal officials and other knowledgeable people called upon by the NJMC staff who may have specialized knowledge regarding the subject rule.

In a statement, Meadowlands Regional Chamber of Commerce CEO Jim Kirkos said that although his organization has collaborated successfully with the NJMC on such issues as bolstering renewable energy, transportation initiatives and eco-tourism, much more needs to be done and there are still issues facing the region as economic development has been "stagnant."

"The Meadowlands Regional Chamber applauds the NJMC for recognizing the realities of today's economy and for taking action that is consistent with the focus of our new governor," said Kirkos. "Reviewing regulations, streamlining the permitting process and understanding how best to work with the business owners and developers will help reduce costs and restore predictability and confidence in the permit process."

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the baler site and in turn, according to Ceberio, offer free garbage disposal to the borough and provide a host community fee, if negotiations go as planned. The host fee would be \$2 per ton of trash taken in at the baler with a volume based increase to \$2.50 per ton if the tonnage exceeds 1,000 tons taken in each day.

The baler, which was previously leased by Waste Management, has been closed since December 2008 in anticipation of EnCap affiliate Cherokee Investment Partner's housing development project in the Meadowlands. The NJMC has sent out bid proposals twice with only one company, Serve All, Inc. of Newark, responding in both rounds. In both cases, the latest occurring on Feb. 19, the NJMC rejected Serve All's bid proposal because it did not meet a number of specifications outlined in the bid package.

In a letter sent to Serve All on Feb. 22, NJMC Director of Solid Waste Thomas Maturano noted the deficiencies, first, that the Serve All bid stated that the NJMC would be responsible for state compliance with NJDEP and state building codes prior to operation, while the solicitation requires the chosen bidder to make the upgrades. Ceberio said a new sprinkler system and changes to the air infiltration system are needed, at the cost of \$1 million. Maturano also noted in the letter that Serve All proposed changing the host community benefit calculation to only include a per ton payment for "acceptable waste". Other deficiencies cited by Ceberio included Serve All wanting to operate 24 hours a day, seven days a week, which is prohibited under the NJMC's permit of the facility and the company wanted to be allowed to bring in hazardous waste to the site, also not allowed under the permit. Brian Aberback, a spokesman for the NJMC, also noted that Serve All failed to make mention of allowing North Arlington free dumping, an approximately \$600,000 annual savings to the borough.

"We can enter into negotiations for leasing the facility with any interested party," said Ceberio. "We

thought for transparency sake, we would go out to bid twice."

Ceberio said Environmental Logistic Services never bid on the project, but had picked up the two bid packets in both rounds of solicitations. Ceberio said they were called after Friday's rejected bid of Serve All and said they were interested in negotiating an agreement. He called Environmental Logistic Services "highly qualified" and is expected to have a contract prepared for a vote by the commission by late next month. He also mentioned they would export the garbage brought into the facility by rail cars and not tractor trailers, as was done by Waste Management.

"This is great news for the borough of North Arlington. The Commission worked very hard to find a qualified operator for this facility, which was not easy in this economy," said NJMC Commissioner James Bocchino, who lives in North Arlington. "This agreement will be a big help to the borough with host community fees and free dumping, while also protecting residents' quality of life. The bottom line—it's a good day for North Arlington."

Under the former operator, Waste Management, North Arlington not only received free dumping, which it now pays about \$75 a ton to dump out of town, but a flat \$1 million annual host fee from the company.

The NJMC compensated North Arlington with \$800,000 in December 2008 for its lost host fees and dumping for the first six months of 2009. North Arlington then received in July last year \$550,000 from American Home Assurance, the arm of insurance giant AIG that EnCap had taken out a \$148 million performance bond with for Cherokee's failure to fulfill its obligations in the community.

North Arlington Councilman Steve Tanelli, although enthusiastic about the prospective of a new operator at the baler, said he still has concerns that not all the bid specifications will be met, but he is hopeful the NJMC sticks to its guns on the financial stipulations denoting the free dumping and host fees.

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