

RESOLUTION NO. 232

RESOLUTION OF THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY  
AMENDING AND SUPPLEMENTING THE AMENDED SCHEDULE OF  
SOLID WASTE SERVICE CHARGES AND FEES FOR THE AUTHORITY

WHEREAS, The Plainfield Municipal Utilities Authority (the "Authority") is a public body corporate and politic of the State of New Jersey and was created by the Plainfield City Council pursuant to Ordinance MC-1995-19 (the "Creation Ordinance") and in accordance with the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the "MUA Law"), to implement and operate a municipal utilities authority which will provide certain solid waste and sewerage services to the inhabitants of the City of Plainfield (the "City"); and

WHEREAS, the Authority is required, pursuant to the MUA Law, to maintain a schedule of all its service charges and fees with respect to the Authority's Solid Waste System (the "System"); and

WHEREAS, the Authority Solid Waste System (the "System") has been established and designed to provide for the provision of solid waste and recycling services which will fully accommodate all property owners in the City at all times; and

WHEREAS, under the System, a property owner can elect to (a) have the Authority provide comprehensive solid waste and bulky waste collection and disposal services and recycling services to the property owner or (b) select an alternative service provider for these services; and

WHEREAS, under the System a property owner desiring to select an alternative service provider for solid waste, bulky waste and recycling collection and disposal services still receives certain services and continues to remain responsible for various System wide costs associated with the System which impact all City property owners; and

WHEREAS, the Authority has developed a Schedule of Service Charges and Fees (the "Schedule") with respect to the System which was approved following a Public Hearing thereon, on July 11, 1997; and

WHEREAS, the Schedule was amended on October 23, 1997 following a Public Hearing; and

WHEREAS, there is a need to further amend and supplement the Schedule to reflect the proposed changes to the rates for service; and

**WHEREAS**, the Authority has prepared an Amended Schedule of Solid Waste Service Charges and fees to reflect these changes; and

**WHEREAS**, the Authority is required to hold a public hearing and provide public notice prior to implementing and adopting any changes to such Schedule; and

**WHEREAS**, a public hearing was held by the Authority on May 12, 1998 at the Authority's offices on the proposed changes to the Schedule; and

**WHEREAS**, the public hearing, with respect to those portions of the rate that involve the Transfer Station Operations, was held in conjunction with the Department of Environmental Protection ("DEP"); and

**WHEREAS**, presentations were made and evidence provided at the hearing to establish that the proposed Service Charges and Fees are just and reasonable; and

**WHEREAS**, an opportunity for cross-examination of persons offering such evidence was provided and a transcript of the hearing will be made; and

**WHEREAS**, notice of the public hearing was published in the Newark Star Ledger on April 22, 1998 and the Courier News on April 21, 1998 and a copy of the notice was provided to the Clerk of the City of Plainfield on April 17, 1998; and

**WHEREAS**, the Commissioners, having heard testimony and evidence presented, have determined that the proposed changes to the Schedule are just and reasonable; and

**WHEREAS**, the Commissioners desire to adopt the Schedule and rates contained therein, and with respect to those portion(s) of the rates set forth in the Schedule that involve the Transfer Station Operation, the Commissioners desire to adopt said portion of the rate on an interim basis pending final approval by the DEP.

**NOW, THEREFORE, BE IT RESOLVED** by the Plainfield Municipal Utilities Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby approves and adopts the proposed changes to the Schedule of Service Charges and Fees for the Solid Waste System attached hereto and made a part hereof. Said portion of the rates contained therein which involve the Transfer Station Operation are adopted on an interim basis pending final action by the DEP.

Operation are adopted on an interim basis pending final action by the DEP.

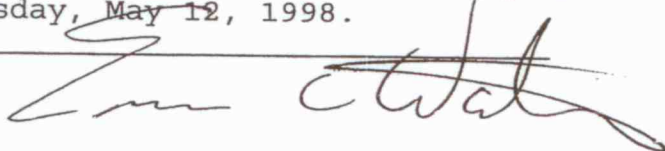
3. A copy of this Resolution together with a copy of the Amended Schedule of Service Charges and Fees shall be available for public inspection at the offices of the Plainfield Municipal Utilities Authority.

4. This resolution shall take effect immediately.

RECORDED VOTE:

REGULAR MEMBERS	YES	NO	ABSTAIN	NOT PRESENT	ALTERNATE PRESENT NOT VOTING
Phillip Bartlett	✓				
Gerard Lee	✓				
LaRome Talley				✓	
Cassell Wood, Jr.	✓				
ALTERNATE MEMBERS					
Edwin Maldonado (#1)	✓				
Nathaniel Singleton, Jr. (#2)	✓				

The foregoing Resolution was duly adopted by the Plainfield Municipal Utilities Authority at the Public Hearing held on Tuesday, May 12, 1998.





SECOND AMENDED SCHEDULE OF SOLID WASTE SERVICE  
CHARGES AND FEES FOR THE  
PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

SECTION I.        DEFINITION OF TERMS

As used in this Schedule of Solid Waste Service Charges and Fees (the "Schedule") the following words shall have the following meanings unless a different meaning clearly appears from the context.

(a) "ABATEMENT SERVICE" shall mean the clean-up services provided by or on behalf of the Authority, to properties located within the boundaries of the City of Plainfield.

(b) "AUTHORITY" shall mean the Plainfield Municipal Utilities Authority;

(c) "COMPACTED CONTAINER SERVICE" shall mean collection services involving the use of mechanical means to compress Solid Waste prior to storage in the container for disposal.

(d) "CONTAINER SERVICE" shall mean collection services involving the use of standard Solid Waste containers of a volume of one cubic yard or more.

(e) "EXEMPT USERS" shall mean those users of the Solid Waste System as described in Section III that are exempt from the Service Charges and Fees set forth in Section IV.

(f) "INTERLOCAL AGREEMENT" shall mean the agreement executed by and between the Authority and the City of Plainfield in connection with, among other things, the transfer of solid waste assets from the City to the Authority and the assumption of solid waste services by the Authority.

(g) "RECYCLABLE MATERIALS" shall mean those materials used and discarded by the owner which would otherwise become Solid Waste, and designated by the Authority which may be collected, separated or processed and returned to the economic mainstream for recovery for the purpose of reclamation of all or a significant portion of the material.

(h) "SERVICE CHARGES" or "SOLID WASTE SERVICE CHARGES" or "RECYCLING SERVICE CHARGES" shall mean the rents, rates, fees or other charges for the use or services of the Solid Waste System, which may be charged to and collected by the Authority from any person contracting for such use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly uses or has used the Solid Waste System or from or on which originates or has originated any Solid Waste, Recyclable Material, or other wastes to be handled by the Solid Waste System of the Authority;

(i) "SOLID WASTE" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, including municipal government and school district operations and shall include all other waste materials, including sludges, to the extent permitted by applicable law, except for sewage conveyed to or treated in public sewage treatments plants;

(j) "SOLID WASTE SYSTEM" shall mean the solid waste system developed, owned, operated, financed, implemented and maintained by or on behalf of the Authority as described in more detail in

the Interlocal Agreement, including Solid Waste Service agreements with any person, for the collection, transfer, processing, disposal and/or recycling of Solid Waste, including, but not limited to, transfer stations, recycling facilities, facilities for the composting of Solid Waste, sanitary landfill facilities and ancillary facilities or other property or plants for the collection, transfer, disposal or recycling of Solid Waste and all vehicles, equipment and other real or personal property and rights therein and appurtenances necessary or useful and convenient for the collection, transfer, recycling or disposal of Solid Waste in a sanitary manner.

(k) "TRANSFER STATION" shall mean the transfer station operated by the Authority located at 87-95 Rock Avenue, Plainfield, New Jersey.

## SECTION II. CLASSIFICATION OF USERS

The classification of users for the Solid Waste System shall be as follows:

A. "Low Density Residential" - includes any residential property, other than those residential properties receiving Container Service, located within the City of Plainfield that is used primarily for human habitation with less than ten (10) families or households residing at the property's tax lot.

B. "High Density Residential" - includes any property within the City of Plainfield used primarily for human habitation with ten (10) or more families or households residing at the

property's tax lot. This use classification includes but is not limited to, apartments, condominiums, and similar use designations.

C. "Institutional" - includes those schools, buildings, grounds and properties owned and/or operated by or on behalf of a public and/or non-profit entity.

D. "Commercial/Industrial" - includes any Plainfield tax lot property used primarily as a facility for the conduct of a business.

### SECTION III. EXEMPT USERS

Those facilities, buildings and properties, as described in the Interlocal Agreement, including but not limited to, city parks, garages and street trash receptacles, that are owned and/or operated by the City of Plainfield and the Plainfield Municipal Utilities Authority and that use or receive services of the Solid Waste System, shall be exempt from the Service Charges and Fees set forth in this Schedule.

### SECTION IV. SERVICE CHARGES AND OTHER FEES

#### A. SERVICE CHARGES

The Authority is authorized pursuant to the County & Municipal Utilities Law, N.J.S.A. 40:14B-22.1, to charge and collect Service Charges for the use or services of the Solid Waste System. Such Service Charges may be charged to and collected by the Authority from any municipality, or any person



contracting for such use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly uses or has used the Solid Waste System or from or on which originates or has originated any Solid Waste or Recyclable Materials to be handled by the Solid Waste System of the Authority.

B. UNIFORMITY IN CHARGES/COMPUTATION

The Service Charges shall be, as nearly as the Authority shall deem practicable and equitable, uniform throughout the City of Plainfield for the same type, class and amount of use or service of the Solid Waste System, except that the Authority may provide for a reduction or total abatement of charges for Exempt Users and as otherwise set by Statute. The Service Charges may be based or computed on the quantity of Solid Waste intended for disposal; or on the cost of providing service in connection with the real property; or on the number of persons residing or working on or identified with the real property; or on any factors determining the type, class and amount of use or service provided under the Solid Waste System; or on any combination of any such factors, and may give weight to the characteristics of the Solid Waste and any other wastes and any other special matter affecting the cost of collection, treatment and disposal of the same and, as to service outside the City of Plainfield and the cost of any improvements to the Solid Waste System.



C. SHARED SYSTEM SERVICES FEE

The Authority shall charge and collect an annual Shared System Services Fee with respect to each Residential, Commercial or Industrial property, including Institutional or Residential property procuring alternate solid waste services located within the City of Plainfield. This fee, as described in more detail below, may be imposed by the Authority upon the owner or occupant of the property.

D. UNIFORMITY IN CHARGES/COMPUTATION

The Shared System Services Fee shall be uniform within each class of users, and the amount thereof shall not exceed the actual cost of the general management of the Solid Waste System and the services provided to all properties and households within the Authority's service area.

a. The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and the interest thereon, paid by the Authority to defray the capital cost of developing the Solid Waste System as of the end of the immediately preceding fiscal year of the Authority shall be added to all capital expenditures made by the Authority not funded by a bond ordinance or debt for the development of the Solid Waste System as of the end of the immediately preceding fiscal year of the Authority.

b. Any gifts, contributions or subsidies to the Authority received from, and not reimbursed or reimbursable to, any

federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the Authority by a public entity under a service agreement or service contract which is not repaid to the public entity by the Authority, shall then be subtracted.

c. The remainder shall be divided by the total number of properties and/or households served by the Authority at the end of the immediately preceding fiscal year of the Authority, and the results shall then be apportioned to each new property and/or household according to the number of households attributed to that property.

The Authority shall recompute the Shared System Services Fee at the end of each fiscal year after a public hearing is held in the manner prescribed by law. The revised Shared System Services Fee may be imposed by the Authority upon those who subsequently establish operations in that fiscal year.

E. SCHEDULE OF SERVICE CHARGES AND FEES

The following Service Charges and Fees are hereby fixed and officially established by the Authority for the use and service of the Solid Waste System, and the same shall be charged and collected by the Authority in accordance with the following Schedule which is hereby prescribed:

1. Service Charges

(a) Low Density Residential property owners, who do not receive Container Service, shall be assessed and shall pay Quarterly Solid Waste and Recycling Service Charges based on the

following formula:

$$\text{Quarterly Service Fee} = \text{Collection Fee} + (\text{Disposal Fee} \times \text{Number of Households/Property})$$

where: the Collection Fee<sup>1</sup> is established at \$53.55 per quarter  
the Disposal Fee<sup>2</sup> is established at \$30.16 per quarter per household  
the Collection Fee and the Disposal Fee may be adjusted from time to time as costs change.

(b) Low Density Residential property owners, who receive Container Service, shall be assessed and shall pay the Quarterly Solid Waste and Recycling Service Charges as set forth above in paragraph (a) plus, a Quarterly container rental equal to \$30.00 X cubic yard volume of the container.

(c) High Density Residential Commercial, Industrial and Institutional properties that receive Container Service, shall be assessed and shall pay Quarterly Container Service Solid Waste Charges based on the following formula:

$$\text{Quarterly Container Service Solid Waste Service Fee} = \text{Container Rental} + (\text{Container Volume} \times \text{Disposal Fee}) + (\text{Collection Fee} \times \text{Frequency of Collection Per Week})$$

where: Container Rental is established at \$30.00/quarter for each container in use on the property.

Container Volume is the capacity in cubic yards of all solid waste containers serviced on the property

Disposal Fee is established at \$141.96/cy/qtr

Collection Fee is established at \$131.56/qtr

Frequency is the number of collection stops per week

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<sup>1</sup> Collection Fee represents contracted solid waste and recycling collection costs.

<sup>2</sup> Disposal Fee represents incurred disposal costs and the solid waste proportion of budgeted administrative costs.



(d) High Density Residential properties and Institutional properties that receive Compacted Container Service, shall be assessed and shall pay Quarterly Compacted Container Service Solid Waste Charges based on the following formula:

Quarterly Compacted Container Service  
Solid Waste Service Fee = (Container volume x Disposal Fee) +  
(Collection Fee x Frequency of  
Collection)

where: Container Volume is the capacity in cubic yards of all solid waste containers serviced on the property

Disposal Fee is established at \$283.92/cy/qtr

Collection Fee is established at \$131.56/qtr

Frequency is the number of collection stops per week

(e) Transfer Station Charges

Users of the Plainfield Municipal Utilities Authority's Rock Avenue Transfer Station will be charged a gate fee for materials delivered based on the disposal costs for the specific materials.

Type 10 materials (municipal waste) \$0.04/lb

Type 13 materials (bulky waste) \$0.05/lb

includes furniture, gypsum board, automotive parts, appliances, stumps, tree parts, building materials, pavement and masonry

Type 23 Vegetative Waste \$0.03/lb

includes leaves, brush, branches, grass clippings and crop residues

Recyclables \$0.02/lb

includes office paper, mixed paper, newsprint and commingled bottles and cans

(f) Abatement Service Charges.

The Authority shall assess hourly fees and charges for clean-up services known as "Abatement Services" provided by or on behalf of the Authority at specific locations within the City of Plainfield which have been identified by the Authority or by the City as requiring clean-up services. Property owners can privately contract for the clean-up services before the Authority is notified. The Authority will collect Solid Waste from these locations and provide for its disposal. The Authority will charge the property owner an Abatement Service Charge which shall be equal to Hourly Abatement Charge = \$216.80/hr. + \$59.00/ton of Solid Waste disposed. The Abatement Service Charge will be charged on a portal to portal basis.

(g) Bulky Waste Out of Schedule Collections

The Authority shall assess a fee to any residential, commercial or institutional property requesting a special collection of bulky waste of \$93.47. This fee may be adjusted by the Authority should the waste exceed 500 pounds/collection at a rate equivalent to \$59.00 per ton, or the prevailing type 13 disposal rate.

2. Shared System Services Fee

Commercial and Industrial properties	\$25.64/property/quarter
Residential dwellings	\$25.64/household/quarter to a maximum of \$1025.50

The Shared System Services Fee is included as a portion of the total fee for any property receiving solid waste collection services from the Authority.

SECTION V. NOTICE AND METHOD OF PAYMENT

Any person contracting for use or services of the Solid Waste System or the owner or occupant, or both of them, of any real property which directly or indirectly uses or has used the Solid Waste System or from or on which originates or has originated any Solid Waste or other wastes to be handled by the Solid Waste System of the Authority shall be billed in advance and be liable for and shall pay such Service Charges and Fees to the Authority at the time when and place where such Service Charges and Fees are due and payable.

SECTION VI. INTEREST ON UNPAID SERVICE CHARGES AND FEES

In the event a Service Charge or Fee charged by the Authority with respect to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the Authority on the unpaid balance at the rate of 1½% per month until such Service Charge or Fee and interest thereon, shall be fully paid to the Authority.

SECTION VII. BILLING INQUIRIES AND DISPUTES

Billing inquiries and disputes regarding any Service Charge or Fee shall be directed in writing to the Authority, prior to the payment due date. The Authority shall review the inquiry or complaint and shall take the appropriate action(s) required based on its findings.



#### SECTION VIII. DETERMINATION OF BILLING UNITS

The Authority may use federal, state, county and/or local property tax information, census information, building permits, and any other verifiable data to determine the properties, households, and types of users. The Authority further reserves the right to physically verify the number of households residing at a given property or the type of user to maintain an accurate data base.

Material delivered to the Transfer Station shall be measured by the certified scale on site. Measurements of weight taken by this scale shall be final.

#### SECTION IX. REVISIONS TO SCHEDULE OF CHARGES AND FEES

The Authority shall prescribe and from time to time when necessary, revise the Schedule of its Service Charges and Fees, such that the revenues of the Authority will at all times be adequate to pay the expenses of the Solid Waste System, including reserves and insurance, and to pay the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the Authority or as may be deemed necessary or desirable by the Authority.

Said Schedule shall be prescribed and from time to time revised by the Authority after public hearing thereon, which shall be held by the Authority at least 20 days after notice of the proposed adjustment is mailed to the clerk of each

municipality serviced by the Authority and publication of notice of the proposed adjustment of the Service Charges and Fees and of the time and place of the public hearing in at least two newspapers of general circulation in the area serviced by the Authority. The Authority shall provide evidence at the hearing showing that the proposed adjustment of the Service Charge and Fee is necessary and reasonable, and shall provide the opportunity for cross-examination of persons offering such evidence. A transcript of the hearing shall be made and a copy thereof shall be available upon request to any interested party at a reasonable fee.

SECTION X.      COLLECTION AND ENFORCEMENT FOR NON-PAYMENT OF SERVICE CHARGES AND FEES

In the event that a Service Charge or other Fee charged by the Authority with respect to any parcel of real property owned by any person, corporation, or other entity other than the State of New Jersey or any agency of subdivision thereof, shall not be paid as and when due, the unpaid balance thereof shall be a lien on such parcel, and all such liens shall become enforceable with and as any other municipal lien on real property in the municipality, in addition to the other remedies of civil suit of foreclosure or any other remedies which may be available to the Authority by and under the Laws and Statutes of the State of New Jersey.

## SECTION XI.      VALIDITY

If any section, subsection, clause, or provision of this Schedule of Service Charges and Fees shall be adjudged unconstitutional or to be ineffective, in whole or in part, to the extent it is not adjudged unconstitutional or is not ineffective, it shall be valid and effective, and no other section, subsection, clause, or provision of this Schedule shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this Schedule in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instances or under any circumstances.

## SECTION XII.      EFFECTIVE DATE

The Interim Service Charges shall take effect as of March 1, 1997 and all other Service Charges and Fees set forth herein adopted at the July 11, 1997 Public Hearing shall take effect as of July 1, 1997. The First Amended changes to this Rate Schedule, adopted at the October 23, 1997 public hearing shall be effective as of October 23, 1997. The Second Amended changes to this Rate Schedule, adopted at the May 12, 1998 public hearing shall be effective as of May 12, 1998. The portion of the rate(s) which involves the Transfer Station Operations are approved on an interim basis pending final action by the Department of Environmental Protection. A copy of the Schedule



of Solid Waste Service Charges and Fees and all Amendments thereto, shall at all times be kept on file at the principal office of the Authority and shall at all reasonable times be open to public inspection.

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY  
Eric C. Watson, Executive Director