

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

June 26, 2023

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:37 AM.

Authority Members present: Angelo Accetturo, Alex Lazorisak, Walter Orcutt, and Dan Perez, and Rob Larsen (via zoom meet).

Mr. Accetturo asked to call the Monday June 22, 2023, PCFA meeting to order, then asked for roll call.

ROLL CALL:	Mr. Larsen	- Yes
	Mr. Lazorisak	- Yes
	Mr. Orcutt	- Yes
	Mr. Perez	- Yes
	Mr. Accetturo	- Yes

Also present: Brian Tipton, General Counsel (via zoom); Jonathan Knittel, Director of Operations; Jamie Banghart, Assistant Director, and Mariann Cliff Administrative Assistant.

The Pledge of Allegiance was led by Chairman Accetturo.

Mr. Accetturo read the following statement: “Adequate notice of this meeting of June 26th 2023 was given in accordance with the Open Public Meetings Act by forwarding a schedule of regular meetings of the Pollution Control Financing Authority of Warren County (PCFAWC) to the Warren County Clerk, the Warren County Board of County Commissioners, The Express-Times, and by posting a copy thereof on the bulletin board in the office of the PCFAWC. Formal action may be taken by the PCFAWC at this meeting. Public participation is encouraged”.

MINUTES

Mr. Accetturo asked if he could get a motion on the minutes, M-1 and M-2 from the Regular and Executive monthly meeting minutes May 22nd.

Mr. Lazorisak stated that he would make a motion to approve, if no one had any comment.

Mr. Orcutt stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
 Mr. Lazorisak - Yes
 Mr. Orcutt - Yes
 Mr. Perez - Yes
 Mr. Accetturo - Yes

CORRESPONDENCE

Mr. Accetturo asked if there were any correspondences.

Mr. Knittel replied that there was a verbal correspondence that came in Friday afternoon from Warren County Habitat for Humanity. They have a job build site on Main Street Phillipsburg. They did not realize that the basement / foundation was going to be full of demolition debris, about 250 tons. They have a contract with us and they have a rate already established, but they wondered if the Board would consider a one-time discount for a specific house-site project.

Mr. Accetturo asked what the tonnage rate was for them. Mr. Knittel replied it was one of the lowest rates they have because of their non-profit status.

A discussion ensued regarding Habitat for Humanity and the rate that they were able to have at the PCFA. Also, if this request warranted special handling, and if the material should be tested.

Mr. Knittel stated that there was no other correspondence at this time.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

Mr. Accetturo asked if there were any public comments for agenda items only.

FINANCE

Mr. Accetturo stated that the finance was next with Mr. Knittel and Mrs. Banghart.

Mrs. Banghart replied that their finances were going well and they had no issues at this time. They were working on moving their accounts into Valley National Bank. They were getting signatures on the forms today, and they would be brought over to be signed so they could start moving money over.

Mr. Accetturo replied ok, then asked if there was there a resolution to pay bills.

Mr. Lazorisak stated that he would make the motion.

Mr. Orcutt stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
 Mr. Lazorisak - Yes
 Mr. Orcutt - Yes

Mr. Perez - Yes
Mr. Accetturo - Yes

On a motion by *Mr. Lazorisak*, seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *June 26, 2023*.

R E S O L U T I O N
R-06-01-23
To Pay Bills – June 26, 2023

WHEREAS, the Pollution Control Financing Authority of Warren County has been presented with invoices for services, supplies and other materials rendered to it or on its behalf;

NOW, THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County that the following bills be paid:

See Attached

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes
Mr. Orcutt - Yes
Mr. Perez - Yes
Mr. Accetturo - Yes

We hereby certify Resolution to Pay Bills in the amount of **\$1,526,830.10** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *26th* day of *June, 2023*.

Mariann Cliff
Recording Secretary

Jonathan Knittel
Director of Operations

Approved: 6/26/23

PERSONNEL

Mr. Accetturo asked Mr. Knittel to go over the Weighmaster position.

Mr. Knittel replied that they had completed the Weighmaster position on a motion from last month's meeting they did offer employment to a Weighmaster as of June 12th, in executive session they could talk about the details.

A discussion followed that included whether the Weighmaster position needed a formal resolution since they approved it with a motion at the last meeting. Also discussed under personnel was that they successfully completed the new position interviews for the admin position within their office. That process had been completed with two qualified candidates and they were prepared to meet with the personnel committee as soon as possible with their recommendations on moving forward with that new position.

A discussion ensued on the availability of the personnel committee (Mr. Lazorisak and Mr. Perez) getting together for a personnel meeting with Mr. Knittel and Mrs. Banghart. It was decided that they would meet on Wednesday morning at the PCFA office.

Mr. Knittel stated that there was nothing else on personnel.

PRESENTATIONS

Mr. Knittel stated that there were no presentations and no reports.

REPORTS

FACILITIES/RECYCLING

Mr. Knittel stated that under landfill operations, just as an FYI they have had a couple of contractors come in and give them price quotes on changing the old lights to LED lighting, and the staff had successfully done some research and found a few companies that would help them get at least 50% of their money back on LED improvements. For an example this building, plus the entire garage could receive lights for some fixtures for as low as \$1.00 apiece, some a little more.

Mr. Knittel stated that they had received a quote for the entire facility to go with LED's for 20K with an \$11,000.00 rebate. The savings over the first ten years would be \$50,000.00 in energy savings. That does not include the cash rebate that comes directly from JCP&L once everything was installed.

Mr. Knittel stated that he did not have any formal bids to present to the Board at this time, but if the Board-members knew of anyone else that had worked on any County properties, they would like that information. They have the money for this type of project.

Mr. Lazorisak replied that they have done that throughout the County successfully. Then asked Mr. Knittel if those companies were looking to change any motors on any HVAC equipment? Mr. Knittel replied no, just LED lights.

There was discussion on if they needed a motion, or if this was going to be awarded right away. Then they spoke about if the amount was to exceed the allowable for the Authority making it a biddable item. The end result was that they would need more information before anything could happen. There was no motion needed at that time.

Mr. Knittel stated that as a quick update, there were a few people in the audience that happened to be involved in this next discussion of landfill operations. The west slope project and that was going extremely well. Right now, the Board could see a very hard rainfall outside the window, and they have had significant rainfall events in the last few weeks and the west slope was efficiently shedding 100% of the water at this point. Mr. Knittel stated that he just wanted to acknowledge Barbella and their subs, were doing a great job on the west slope cap project. Which was underway and on-time and on-budget.

Even though 100% of the liner was not down, they do have PDM on the west slope. So, they were still effectively shedding this storm event. There was no significant increase in the tank from last week's rain at their intake to the leachate lagoon.

This project will definitely exceed the return on investment that he had conservatively made last year, which was a 2-to-3-year return on investment. It appears that it was going to be quicker based on the amount of rain they were able to shed off the west slope.

Mr. Lazorisak asked if Mr. Knittel had a map and after passing maps to the Board a discussion ensued on what portions they were currently capping, and the piece that already had 80% percent with liner, and which portions still needed liner.

Mr. Knittel stated that next was A-2, residential clean processed dredge materials. They have been keeping their eyes out for PDM, they have used 8 acres of PDM because of the undulations of the slopes being up and down, they had used a bit more PDM than anticipated, which was fine because they do get paid to take residential PDM if it should appear. It is usually few and far between if they do receive residential clear projects. There are two projects this summer, the Arthur Kill Federal Navigation 50-foot channel and the North Bay Federal Navigation maintenance dredging. Both have portions of those projects that were testing residential clean and he had drafted a letter, the letter was the same as last year, it was going directly to Donjon Marine who was the excavator. The letter gets copied to the NJDEP.

This draft letter was just in their hands right now, but he would need a motion to look at receiving this summer approximately 40,000 yards of PDM. A good portion of that would go right on the slopes and a small portion could be stockpiled in their burrow pit, as it was residential analytical in nature, it could be stockpiled right outside the landfill, but they would try to keep most of that within the landfill itself.

Mr. Knittel stated that the handout this morning was that draft letter A-2. Mr. Lazorisak asked if they were getting the same rate. Mr. Knittel replied that the rate had increased from \$6.00 per yard to \$7.00 per yard. That was the offer on the table and that had not been negotiated, or talked about with them at that point. The trucking was free between Newark to here, they successfully handled around 40,000 yards last year in about nine days of trucking. It would be a very similar program.

Mr. Knittel stated that he thinks based on both, Barbella's experience in the field placing it, and the Engineer's being very impressed with how it went down and compacted on steep slopes, that it answered all the questions, plus they were able to get rollers on it.

The questions that people had in their mind, about, is this material what they really want as their cushion layer underneath the capping material? All those answers are yes. Mr. Knittel stated that his strong recommendation was to ask for a motion to pursue this with all the States blessings and contingencies that have to be, meaning it has to be residential clean and the State has to bless our site for its use again.

Mr. Accetturo asked if they could find out what they were paying other people, make sure that they were not cutting themselves short at \$7.00.

A discussion followed about pricing and if they could find out what others were paying for it, since Donjon Marine was trying to get rid of it, and they prefer to keep it in the State.

Mr. Lazorisak stated that if there were no objections, he would make a motion to send the letter.

Mr. Accetturo stated that he would second the motion.

ROLL CALL:	Mr. Larsen	- Yes
	Mr. Lazorisak	- Yes
	Mr. Orcutt	- Yes
	Mr. Perez	- Yes
	Mr. Accetturo	- Yes

Mr. Knittel stated that cell 7 final completion is much closer thanks to the hard work of Mr. Tipton and others. They were able to release 80% retainage to Tomco in this month's bills, holding back 20% which was plenty to cover any grass seed and the last surveying which they did finish this last Friday. The 20% retainage that was held was the only outstanding bill that was part of cell 7, they know exactly what they owe and how much they spent on cell 7.

A-4 the change-order that was directly underneath, was the final fuel adjustment that was agreed to be paid in the final phase of the job. Any change-order needs a formal Board resolution.

There was not a resolution printed out and permission from Mr. Tipton was obtained to make a formal motion and follow it up with the resolution at the following meeting.

Mr. Orcutt stated that he would make the motion.

Mr. Perez stated that he would second the motion.

ROLL CALL:	Mr. Larsen	- Yes
	Mr. Lazorisak	- Yes
	Mr. Orcutt	- Yes
	Mr. Perez	- Yes

Mr. Tipton was thanked by Mr. Lazorisak for working on and resolving this.

Mr. Knittel stated that A-4 was the 2023 drainage repairs, this would be discussed in executive. Also A-5 was the 2023 replacement of the retaining wall, that would be discussed in executive as well.

Next was the update on the cost estimate, for a leachate hauling kiosk on scale # 2. After a review of scale options, replacement, or a brand-new scale, they found that it would be most cost effective to update our current outbound scale, scale #2 at the end of the work-day for solid waste at about 2:30 or 3:00 they would open scale #2 for nighttime leachate hauling. Especially during storm events like today when they get more leachate than normal. The cost estimate from the engineer for the kiosks was \$67,500.00, in comparison to about a quarter-million dollars for a full brand-new scale, set up off to the side.

The time frame for ordering parts would be dependent on a motion to proceed from the Board, if they should choose.

There was some discussion regarding the cost breakdown of the individual kiosks and installation charges and the need for more clarification from the vendor.

Also discussed was the quarterly calibration contract on the scale, that calibration was also when they looked to see if the scale needed any repairs or maintenance. The contract would have to be looked at by Counsel to see if they must put this out to bid or if it would fall under the maintenance agreement.

Mr. Knittel stated that they had done some cost comparisons with three companies for recycling E-waste. The current company Newtech recycling, a second company Dynamic, and a third company Green Chip. The market for electronic recycling was heating up due to the Government and State mandated rebates from manufacturers to help cover cost of e-recycling. There were new quotes including the new one from our current company. They have a thirty-day notice of termination if they decided to change companies. They have interviewed all three companies.

Mrs. Banghart stated that this was not a biddable item because it generated revenue. Before that, the PCFA had to pay vendors to come in to do the semi-annual collection sites.

Mr. Knittel replied so this was informational only at this point.

Mr. Knittel stated that they were going to move on to A-6, this handout was shared with Mr. Tipton, it has a cover letter from Berquist Recovery Consulting company. This company helps Government agencies and private sector recover funds from FEMA damages. We obviously have a FEMA case well in the works and we have already received the first portion. The second was this last push for the FEMA drainage repair contract, which runs for the next three months or so of construction. During that three-month period, he has reached out for assistance and out of everyone that he has looked at, Berquist Recovery had the best references and track record. He would love to use them on an as-need-basis on an hourly-rate and he would expect that they would be involved on a phone call bi-weekly with himself and FEMA. That phone call could generally take up to about an hour, Mr. Knittel stated that he would have several hours of meetings a month for the next three or four months. They would also help him prepare responses to FEMA as the questions arise. For example, he has a deadline for FEMA on Tuesday the 28th, and he would need to submit the response to that tonight or tomorrow to

make sure that he meets that deadline. Those deadlines pop up every couple of weeks, they ask more questions and require more paperwork.

This service was expensive but it was also reimbursable, in other words we pay them an hourly rate, not a lump-sum of our recovery. That was part of the administration, up to 5% of the FEMA project can be reimbursable for consulting fees such as this.

Mr. Knittel stated that even though they would put money out on a monthly basis, FEMA was saying that they may have a check at the end of the year, if they finish the work in October and November.

Mr. Knittel stated that it was hard to say, they did get the first category-B check fairly efficiently and they did that in-house, but they struggled. With help from someone, it should be more efficient, so he was asking for consideration to bring this firm on as professional consultants. There was two ways to pay, it was either a 10% of obligated FEMA dollars or the hourly rate. He would like to strike out the 10% he has done the math, there were only three to four months of construction at most. The hourly rate works out better mathematically than the 10%: Mr. Knittel asked Mr. Tipton if there were any other changes that he saw. Mr. Tipton replied that the contract had some work to be done to it, he stated that there was barely anything to it. He would like to supplement what they said, but he did not want to go too far until the Board spoke on it.

There was discussion on, going forward with hiring help to apply for FEMA monies. It was then compared to some of the County's departments that work directly with those types of government agencies. It was agreed that to get help on these types of things was a good idea.

Mr. Orcutt stated that he would make a motion to move forward the consulting services, with the Attorney's review.

Mr. Accetturo stated that he would second the motion.

ROLL CALL:	Mr. Larsen	- Yes
	Mr. Lazorisak	- Yes
	Mr. Orcutt	- Yes
	Mr. Perez	- Yes
	Mr. Accetturo	- Yes

Mr. Knittel stated that A-7 was next, after Board approval or motion at the last Board meeting to accept the ash agreement, Rich Gesumaria from Covanta came back with a few red lines that do not change tonnage or price. It changes a couple of words as far as English grammar, such as 'up to' 50,000 tons. And that was a good point it makes it much clearer. Mr. Knittel went on to explain each red-lined edit saying that he agreed with it but could not sign it without Board approval. They have had the red-lined version for about a month and Counsel has gone over it.

Mr. Tipton agreed that he had no objections to it.

Mr. Lazorisak stated that he would make a motion for the Director to sign the agreement.

Mr. Orcutt stated that he would second the motion.

ROLL CALL:	Mr. Larsen	- Yes
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Mr. Lazorisak	- Yes
Mr. Orcutt	- Yes
Mr. Perez	- Yes
Mr. Accetturo	- Yes

Mr. Knittel stated the next item may be for counsel, it was the letter of credit on decommissioning Covanta.

Mr. Tipton replied that it was just changing finance institutions, same amount, and same terms, so it was ok for Mr. Knittel to move that.

Mr. Lazorisak stated that he would make that motion based on attorney's input.
Mr. Orcutt stated that he would second the motion.

ROLL CALL:	Mr. Larsen	- Yes
	Mr. Lazorisak	- Yes
	Mr. Orcutt	- Yes
	Mr. Perez	- Yes
	Mr. Accetturo	- Yes

Mr. Knittel stated that there was no change to A-9 the waste disposal fee schedule, A-10, 11 & 12 was our recycling programs and they were all running on track. They did have that brief update on the electronics options that they would continue to research and that completes facilities and recycling.

Mr. Orcutt asked if the tires were up because of the town-wide cleanings. Mr. Knittel replied that no, tires were not included in the township cleanups. The tires seem to be on track for the year, there was no significant changes.

A discussion was had about different farms, and spring cleanups, and tire collections. Most farms that had more than twenty tires were given direct information on how to recycle their tires. The PCFA generally does see a slight rise in tire collection in the spring when people tend to clean up their properties. But the volume of tires was on track for the year.

GENERAL COUNSEL'S REPORT

Mr. Accetturo asked for the general counsel's report.

OTHER BUSINESS

Mr. Accetturo asked if there was any other business.

Closing Public Comments

Mr. Accetturo asked if there were any closing public comments.

EXECUTIVE SESSION

Mr. Accetturo asked for a motion to go into Executive session.

Mr. Orcutt stated that he would make the motion.

Mr. Accetturo stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
 Mr. Lazorisak - Yes
 Mr. Orcutt - Yes
 Mr. Perez - Yes
 Mr. Accetturo - Yes

RESOLUTION

R-06-04-23

AUTHORIZING EXECUTIVE SESSION OF THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A 10:4-12

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

NOW, THEREFORE, BE IT RESOLVED that this Board hereby excludes the public in order to discuss such matters. The general nature of the subjects to be discussed are as follows:

- (1) *Matters Required by Law to be Confidential:* Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

- (2) *Matters Where the Release of Information Would Impair the Right to Receive Funds:* Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

- (3) *Matters Involving Individual Privacy*: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, Insurance and similar program or Institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the Individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any Individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) *Matters Relating to Collective Bargaining Agreements*: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters Relating to Public Safety and Property*: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of possible violations of the law.
- (7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) *Matters Relating to the Potential Imposition of a Penalty*: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bearing responsibility.

BE IT FURTHER RESOLVED that the Board shall disclose to the public, as soon as practicable, the contents of the discussions after the final disposition of the matters discussed.

Moved By: Mr. Orcutt

Seconded By: Mr. Accetturo

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes
Mr. Orcutt - Yes
Mr. Perez - Yes
Mr. Accetturo - Yes

I hereby certify the above to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the date above mentioned.

Recording Secretary
Mariann Cliff

Dated: 6/26/23

*****Executive session began approximately 10:07 am.***

*****Executive session ended approximately 10:31 am***

Mr. Lazorisak stated that he would make the motion to come out of Executive session.

Mr. Orcutt stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes
Mr. Orcutt - Yes

Mr. Perez - Yes
Mr. Accetturo - Yes

**** Public session started at approximately 10:32 am**

Mr. Lazorisak stated that he would make a motion moving Resolution 06-02-23 to the lowest responsible bidder for the FEMA Drainage Repairs to Tomco construction for an amount of \$2,193,525.00.

Mr. Accetturo stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes
Mr. Orcutt - Yes
Mr. Perez - Yes
Mr. Accetturo - Yes

Mr. Lazorisak stated that he would make a motion moving Resolution 06-03-23 to the lowest responsible bidder for the Replacement of the retaining wall Tom Bartha & Son Excavating for an amount of \$268,750.00.

Mr. Orcutt stated that he would second the motion.

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes
Mr. Orcutt - Yes
Mr. Perez - Yes
Mr. Accetturo - Yes

Mr. Perez stated that he had one question before finishing, were they going to allow Habitat to have a reduced rate for the Phillipsburg site? Mr. Accetturo replied that they already have a rate that is lower than most. A discussion was had and all agreed that the rate was already as low as it could be, they were losing money on it as it was.

ADJOURNMENT

Mr. Accetturo asked if there was anything else, then asked for a motion to adjourn.

Mr. Orcutt stated that he would make the motion.

Mr. Perez stated that he would second that motion.

ROLL CALL: Mr. Larsen - Yes
Mr. Lazorisak - Yes

Mr. Orcutt - Yes
Mr. Perez - Yes
Mr. Accetturo - Yes

*****Meeting was adjourned at approximately 10:31 AM***

Respectfully submitted by:

Mariann Cliff

Recording Secretary

Approved: July 24, 2023