

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

February 26, 2024

Director Jonathan Knittel called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:35 am.

Authority Members present: Angelo Accetturo, Rob Larsen, Walter Orcutt, and Dan Perez.

Mr. Knittel asked to call the roll.

ROLL CALL:	Mr. Larsen	- Present
	Mr. Orcutt	- Present
	Mr. Perez	- Present
	Mr. Accetturo	- Present

Also present: Brian Tipton, General Counsel; Jonathan Knittel, Director of Operations; Jamie Banghart, Assistant Director and Mariann Cliff, Recording Secretary.

The Pledge of Allegiance was led by Mr. Knittel.

Mr. Knittel stated that this was the Annual Reorganization of The Authority meeting, for Nominations and Election of Officers of the Authority.

Mr. Knittel asked if they had a nomination for Chairperson.

Mr. Orcutt stated that he would nominate Angelo Accetturo for Chairperson.

Mr. Larsen stated that he would second the motion.

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

Mr. Orcutt stated congratulations. Mr. Accetturo replied thank you!

Mr. Knittel stated that as of now Mr. Chairman would be in charge.

Mr. Accetturo asked if Mr. Knittel had read the introductory statement.

Mr. Knittel replied no, and then apologized.

Mr. Accetturo replied that it was no problem and he would read it now.

Mr. Accetturo read the following statement: "Adequate notice of this meeting of February 26, 2024 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."

Mr. Accetturo stated that he would now take nominations for the position of Vice Chairperson.

Mr. Accetturo stated that he would nominate Walter Orcutt for the position of Vice Chairperson.

Mr. Perez stated that he would second the nomination.

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

Mr. Orcutt stated, thank you Chairman.

Mr. Accetturo replied, congratulations.

Mr. Accetturo stated that he would nominate Dan Perez for the position of Secretary.

Mr. Larsen stated that he would second the nomination.

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

Mr. Perez said thank you.

Mr. Accetturo replied, thank you.

Mr. Accetturo stated that he would need a nomination for the position of Treasurer.

Mr. Perez stated that he would nominate Rob Larsen for the position of Treasurer.

Mr. Orcutt stated that he would second the nomination.

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

Mr. Accetturo asked who was currently on Finance sub-committee.

The Board then discussed all the committee's and came up with the following positions.

Mr. Accetturo then stated that he would make a motion for all of the following:

**Personnel Committee**

Dan Perez

Walter Orcutt

**Long term - Capital Committee**

Walter Orcutt

Angelo Accetturo

**Finance Committee**

Mr. Accetturo

Mr. Larsen

**Operations Committee**

Mr. Larsen

Mr. Orcutt

Mr. Larsen stated that he would second the motion.

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

**MINUTES**

Mr. Accetturo asked if there was a motion for M-1 the Regular monthly meeting minutes from January 22, 2024 and the Executive session meeting minutes from January 22, 2024.

Mr. Orcutt stated that he would make a motion to approve the Regular monthly meeting minutes and the Executive session meeting minutes from January 22, 2024.

Mr. Accetturo stated that he would second the motion.

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

Mr. Accetturo asked if they could combine the annual resolutions.

Mrs. Banghart asked if they needed to do the Oath of office renewal for Mr. Perez.

Mr. Accetturo asked if it was necessary since it was not a reappointment it was just because his term was up.

Mrs. Banghart stated that his term was up, and they would usually do Oath of office when it expires or whether they get re-appointed.

Mr. Tipton stated that they could do it next month also, that would be ok.

Mr. Accetturo stated that he would like to make a motion to approve the annual resolution's R-02-01-24 through R-02-09-24.

Mr. Orcutt replied that he would second that motion.

Mr. Accetturo asked all those in favor say aye.

ROLL CALL:	Mr. Larsen	- Aye
	Mr. Orcutt	- Aye
	Mr. Perez	- Aye
	Mr. Accetturo	- Aye

On a motion by **Mr. Accetturo**, seconded by, **Mr. Orcutt**, the following resolutions were adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**RESOLUTION**  
**R-02-01-24**  
**AUTHORIZING SIGNATURES**  
**FOR FISCAL YEAR 2024**

BE IT RESOLVED, by Authority of the Pollution Control Financing Authority of Warren County that the following are hereby authorized to sign checks or withdrawal slips where a combination of two signatures is required and;

BE IT FURTHER RESOLVED that where two signatures are required, one of the signatures must be the Chairperson or Treasurer and the second signature must be the Director of Operations or the Assistant Director;

CHAIRPERSON

TREASURER  
DIRECTOR OF OPERATIONS  
ASSISTANT DIRECTOR

BE IT FURTHER RESOLVED, that signature cards with the signatures of the persons authorized to sign be forwarded to all Depositories.

ROLL CALL: Mr. Larsen - 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.

*Mariann Cliff*

Mariann Cliff

Recording Secretary

Dated: 02/26/2024

On a motion by *Mr. Accetturo*, seconded by, *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**RESOLUTION**

**R-02-02-24**

**AUTHORIZING ASSISTANT DIRECTOR'S OFFICE  
TO MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$100.00  
FOR FISCAL YEAR 2024**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund for the Assistant Director's office for the Pollution Control Financing Authority of Warren County; and

WHEREAS, said Petty Cash Fund was established by resolution dated February 2, 1994, by the Pollution Control Financing Authority of Warren County; and

WHEREAS, said Petty Cash Fund received approval from the Director of Local Government Services; and

NOW THEREFORE, be it resolved on this **Twenty Sixth** day of **February, 2024**, by the members of the Pollution Control Financing Authority of Warren County, that;

1. During the year 2024, the Assistant Director, be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$100.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses.
2. The Assistant Director, having been bonded, will have custody of the Petty Cash Fund in accordance with the laws and regulations governing its operation.

ROLL CALL:     Mr. Larsen             - 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.

*Mariann Cliff*  
Recording Secretary  
Mariann Cliff

Dated: 02/26/2024

On a motion by *Mr. Accetturo*, seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**Resolution**  
**R-02-03-24**

**AUTHORIZING THE ASSISTANT DIRECTOR'S OFFICE  
TO MAINTAIN A PETTY CASH FUND  
DESIGNATED FOR SCALE HOUSE USE FOR FISCAL YEAR 2024**

WHEREAS, N.J.S.A. 40A:5-21 designated a Petty Cash Fund for the Pollution Control Financing Authority of Warren County for Scale House use; and

WHEREAS, said Petty Cash Fund was established by resolution dated February 2, 1994, by the Pollution Control Financing Authority of Warren County and approved by the Director of Local Government Services; and

NOW THEREFORE, be it resolved on the **Twenty Sixth** day of **February 2024** by the members of the Pollution Control Financing Authority of Warren County, that;

1. During the year 2024, the Assistant Director be, and is, hereby authorized and permitted to maintain the current Petty Cash Fund at the scale House in the amount not to exceed \$200.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Scale House Petty Cash Fund is designated for use by the Scale House operator to make change for residents using the convenience center.
2. The Assistant Director, having been bonded will have custody of the Petty Cash Fund in accordance with the laws and regulations governing its operation.

ROLL CALL:     Mr. Larsen             - 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.

*Mariann Cliff*  
Recording Secretary  
Mariann Cliff

Dated: 02/26/2024

On a motion by **Mr. Accetturo**, seconded by, **Mr. Orcutt**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

## RESOLUTION

## R-02-04-24

### DESIGNATING A PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.)

WHEREAS, there exists a need for a designated public agency compliance officer (P.A.C.O.) for the Pollution Control Financing Authority of Warren County in order to meet its responsibilities under the law;

NOW THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County that the Authority's Director of Operations, *Jonathan Knittel*, be appointed as the designated Public Agency Compliance Officer (P.A.C.O.) to ensure that all contracts have Affirmative Action language incorporated.

ROLL CALL:    Mr. Larsen            - 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.

*Mariann Cliff*  
Recording Secretary  
Mariann Cliff

Date: 02/26/2024

On a motion by *Mr. Accetturo*, seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

## RESOLUTION



**R-02-05-24**

**DESIGNATING A CUSTODIAN OF RECORDS**

WHEREAS, there exists a need for a designated Custodian of Records for the Pollution Control Financing Authority of Warren County in order to meet its responsibilities under the law;

NOW THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County that the Authority's Director of Operations, **Jonathan Knittel**, be appointed as the designated Custodian of Records in accordance with the Open Public Records Act (OPRA) (P.L. 2001, c. 404).

ROLL CALL:	Mr. Larsen	- 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.

*Mariann Cliff*

Mariann Cliff  
Recording Secretary

Date: 02/26/2024

On a motion by **Mr. Accetturo**, seconded by, **Mr. Orcutt**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**RESOLUTION**

R-02-06-24

**TO PARTICIPATE IN THE STATE OF NEW JERSEY'S  
DISTRIBUTION AND SUPPORT SERVICE  
FISCAL YEAR 2024**

WHEREAS, in the past, the Pollution Control Financing Authority of Warren County has availed itself to the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, it is contemplated that it will be necessary or desirable to obtain materials, supplies or equipment under such contract or contracts entered into on behalf of the State of New Jersey by said Division during the year 2024;

NOW, THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County, that it is hereby authorized to purchase such materials, supplies and equipment from the Division of Purchase and Property in the Department of the Treasury, pursuant to N.J.S.A. 40A:11-12 and N.J.S.A. 40A:11-3, as it may from time to time deem necessary or desirable.

ROLL CALL:	Mr. Larsen	- 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.

*Mariann Cliff*  
Mariann Cliff  
Recording Secretary

Dated: 02/26/2024

**POLLUTION CONTROL FINANCING AUTHORITY**

## OF WARREN COUNTY

R-02-07-24

### RESOLUTION ADOPTING A CASH MANAGEMENT PLAN DESIGNATING OFFICIALS AUTHORIZED TO INVEST AND DISBURSE FUNDS, AUTHORIZED DEPOSITORIES, PERMITTED INVESTMENTS AND REPORTING REQUIREMENTS FOR THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

BE IT RESOLVED, by the Pollution Control Financing Authority of Warren County that from February 26, 2024 the following shall serve as the cash management plan.

The Assistant Director is directed to use this cash management plan as the guide in depositing and investing the Pollution Control Financing Authority of Warren County's funds.

### CASH MANAGEMENT PLAN FOR THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

#### I. STATEMENT OF PURPOSE.

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investments ("Permitted Investments"), pursuant to NJSA 40A:5-15.1, of certain public funds of the Pollution Control Financing Authority of Warren County (PCFAWC), pending the use of such funds for the intended purposes. The plan is intended to assure that all public funds identified herein are deposited in interest bearing deposits, to the extent practicable, or otherwise invested in investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done so to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested and to minimize the risk to the market value of such Deposits or Permitted Investments. All investments shall be made on a competitive basis insofar as practicable.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN AND OFFICIAL DEPOSITORIES.

The Plan is intended to cover the deposit and/or investment of authority owned funds of the PCFAWC in authorized institutions which are GUDPA certified pursuant to the provisions of NJSA 17:9-44; (the "Official Depositories").

The following banks and financial institutions and / or their successors are hereby designated as Official Depositories for the deposit of all public funds, including any certificates of deposit, referred to in the plan which are not otherwise invested in Permitted Investments as provided for in this plan: Bank of America, TD Bank, First Hope Bank, IRCO Credit Union, Morgan Stanley Smith Barney, Investors Bank, Lakeland Bank, Public Financial Management (PFM), PNC Bank, Fulton Bank of NJ/Fulton Financial, Santander Bank, Provident Bank, Visions Federal Credit Union, Valley National Bank, Unity Bank, and Wells Fargo.

All such depositories shall acknowledge in written receipt of this Plan by sending a copy of such acknowledgement to the Chief Financial Officer.

Additionally, pursuant to NJSA 40A:5-14g, any official involved in the designation of depositories or in the authorization for investments as permitted pursuant to section 8 of PL 1977, c396 (C.40A:5-15.1), or any combination of the preceding, or the selection of an entity seeking to sell and investment to the Authority who has a material business or personal relationship with that organization shall disclose that relationship to the governing body of the Authority.

III. DESIGNATION OF OFFICIALS OF THE PCFAWC AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.

Upon consultation with the Finance Committee members and Director of Operations, the Chief Financial Officer (the Designated Official) of the PCFAWC is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the PCFAWC are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIAL MAY DEAL.

The following brokerage firms and/or dealers and other institutions and / or their successors are hereby designated as firms with whom the Chief Financial Officer of the PCFAWC may deal for the purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits: TD Bank NA, First Bank, First Hope Bank, Provident Bank, Lakeland Bank, Valley National Bank,

PNC Bank, Fulton Bank of NJ, Santander Bank, Investors Savings Bank, Unity Bank, PPFM Asset Management LLC, Visions Federal Credit Union and IRCO Credit Union.

All such brokerage firms and/or dealers shall acknowledge in writing the receipt of this Plan by sending a copy of such acknowledgment to the Chief Financial Officer.

Pursuant to NJSA 40A:5-15.1 and as disclosed in Section V below, the securities dealers' retained by the Authority will comply with said statute and Section V when acting on behalf of the Authority in any and all financial transactions.

## V. AUTHORIZED INVESTMENTS.

Except as otherwise specifically provided for herein, the Chief Financial Officer, upon consultation with the Finance Committee and Director of Operations of the PCFAWC, is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- A. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- B. Government Money Market Mutual Funds;
- C. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- D. Bonds or other obligations of the Authority;
- E. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- F. Local Government Investment Pools;
- G. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281(C.52 : 18A-90.4); or
- H. Agreements for the repurchase of fully collateralized securities if:
  - 1. the underlying securities are permitted investments pursuant to paragraphs 1 and 3 of this subsection a;
  - 2. the custody of collateral is transferred to a third party;
  - 3. the maturity of the agreement is not more than 30 days;
  - 4. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17: 9 - 41); and
  - 5. a master repurchase agreement providing for the custody and security of collateral is executed.
- I. Any investment instruments in which the security is not physically held by the Authority shall be covered by a third party custodial agreement which shall provide for the designation of such investments in the name of the Authority and prevent unauthorized use of such investments;

J. Purchase of investment securities shall be executed by the “delivery versus payment” method to ensure that the securities are either received by the Authority or a third party custodian prior to or upon release of the Authority’s funds;

K. Any investments not purchased and redeemed directly from the issuer, government

money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be purchased and redeemed through the use of a nation or State bank located within the State or through a broker/dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c. 93 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- a. which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7;
- b. the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- c. which has:
  - i. attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - ii. retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- a. which has managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. which is rated in the highest category by a nationally recognized statistical rating organization;
- c. which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- d. which is in compliance with rules adopted pursuant to the “Administrative

Procedure Act,” P.L. 1968, c.410 (c.52: 14b-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for the disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of investments;



- e. which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f. which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a State or national bank located within this State, or through a broker/dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49 : 3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

#### IV. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the PCFAWC, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the PCFAWC to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the PCFAWC or by a third party custodian prior to or upon the release of the PCFAWC's funds.

Pursuant to NJSA 40A:5-15, all Authority funds shall be deposited within 48 hours of receipt.

To assure that all parties with whom the PCFAWC deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Chief Financial Officer.

#### VII. REPORTING REQUIREMENTS.

The Chief Financial Officer shall supply to the governing body of the PCFAWC a written report each month listing all Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the PCFAWC as a Deposit or Permitted Investment.
- B. The type and amount of securities or certificates of deposit purchased or sold during the immediately preceding month.
- C. The book value at month end of such Deposits or Permitted Investments.
- D. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity.
- E. The fees incurred to undertake such Deposits or Permitted Investments.
- F. All other information which may be deemed reasonable from time to time by the governing body of the PCFAWC.

#### VIII. TERM OF PLAN

This plan shall be in effect from February 26, 2024 until such time as it is amended or superseded by a subsequent plan. Attached to this Plan is a resolution of the governing body of the PCFAWC approving the Plan.

#### IX. INVESTMENT STRATEGIES

In order to ensure liquidity to meet the Authority's daily, ongoing cash needs as well as allow longer term investments to gain enhanced returns on our monies the following strategies will be employed. Additionally, all invested funds must be maintained to comply with the provisions of NJSA 40A:5-15.1 ("Securities which may be purchased by local units").

The Chief Financial Officer of the PCFA of Warren County will implement the following procedures on behalf of the PCFA:

- A. In order for the PCFAWC to meet all of its operational obligations including payroll, accounts payable and pension contributions, a minimum of 10% of the current fiscal year's adopted budget will be reserved to meet the operational cash flow requirements. These funds must provide sufficient liquidity for the daily operations of the Authority.
- B. A Capital & Construction account shall be maintained to segregate and reserve funds needed to meet the financial requirements of large scale capital improvement and/or construction projects. Typically these expenditures are large scale, non-recurring projects that have a useful life of greater than one year. The balance maintained in the account will be determined by the five year capital improvement plan included in the Authority's Annual Budget submitted to the New Jersey Department of Community Affairs, Division of Local Government Services. The balance in this account shall be sufficient to meet the projected expenditures incurred during the current fiscal year and to minimize the need to issue debt to finance future year capital projects.
- C. A Haulers account shall be maintained at an amount equal to or greater than 25% of the operating budget. This account will be used to retain funds to insure sufficient finances exist if a drastic change in the solid waste disposal market

should occur. Specifically, this account will provide a safety net should there be a shortfall in revenue that would materially impair the Authority's ability to operate on a daily basis. If operations at the Authority cease, any remaining funds in this account will be transferred to the Supplementary Closure Account.

D. State law requires the creation of a trust fund specifically dedicated to the maintenance of the Warren County District Landfill Closure and Post-Closure care. The estimate for the closure/post-closure maintenance of the landfill is contained in the most recent Closure/Post-Closure Maintenance Plan approved by the New Jersey Department of Environmental Protection. There are currently two funds in existence, the Warren County Landfill Closure Escrow Trust Fund and the Warren County Landfill Alternate Closure Escrow Trust Fund. Both funds are controlled by the New Jersey Department of Environmental Protection. The Closure/Post-Closure Maintenance Plan must be updated bi-annually, all changes in anticipated costs associated with the closure are reviewed and the funding level in the closure investments is adjusted to reflect these changes. Investments in the Funds are administered in accordance with NJSA 7:26-2A.9(b) and the NJDEP standard escrow agreements which permits investments up to 10 years in duration.

E. The Authority Board authorized a third closure trust fund called the Supplementary Closure Account to be used for the Warren County District Landfill Closure and Post-Closure care. These funds are maintained in a separate account under the control of the Authority and will be used to supplement the Landfill Closure Escrow Trust Fund and the Landfill Alternate Closure Escrow Trust Fund. Investments in the Funds are administered in accordance with NJSA 7:26-2A.9(b) and the NJDEP standard escrow agreements which permits investments up to 10 years in duration. The funds may be used to finance improvements in connection with the Landfill Closure and Post-Closure care at the Authority Board's discretion.

On a motion by *Mr. Accetturo*, seconded by, *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

Dan Perez  
Dan Perez, Secretary

02/26/2024  
Date

ROLL CALL: Mr. Larsen - 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 indicated.

*Mariann Cliff*  
Mariann Cliff  
Recording Secretary

## **CASH MANAGEMENT PLAN FOR THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY, NEW JERSEY**

### **ACKNOWLEDGEMENT**

I hereby declare that I have received a copy of the CASH MANAGEMENT PLAN FOR THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY, NEW JERSEY or amendment thereto and that I have reviewed the document and understand the terms and conditions stated therein.

Institution:

Signature:

Title:

Date:

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On a motion by *Mr. Accetturo*, seconded by, *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**RESOLUTION**  
**R-02-08-24**

**A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY**

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules became effective December 31, 2010, and require municipal utilities to implement an identity theft program and policy, and

WHEREAS, the Pollution Control Financing Authority of Warren County in the county of Warren has determined that the following policy is in the best interest of the Authority and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Pollution Control Financing Authority of Warren County that the Authority's Assistant Director be appointed as the designated administrator of the Identity Theft Policy annexed hereto and hereby approved:

This resolution will take effect immediately upon its passage, the public welfare requiring it.

ROLL CALL:	Mr. Larsen	- 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.

*Mariann Cliff*  
Mariann Cliff  
Recording Secretary

Date: 02/26/2024

## **Identity Theft Policy of the POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY**

### **SECTION 1: BACKGROUND**

The risk to the Authority, its employees and customers from data loss and identity theft is of significant concern to the Authority and can be reduced only through the combined efforts of every employee and contractor.

### **SECTION 2: PURPOSE**

The Pollution Control Financing Authority of Warren County adopts this sensitive information policy to help protect employees, customers, contractors and the Authority from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the Pollution Control Financing Authority of Warren County in compliance with state and federal law regarding identity theft protection.

This policy enables the Authority to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the Authority from fraudulent new accounts. The program will help the Authority:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

### **SECTION 3: SCOPE**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the Authority, including all personnel affiliated with third parties.



## **SECTION 4: POLICY**

### **4.A: Sensitive Information Policy**

#### **4.A.1: Definition of Sensitive Information**

Sensitive information includes the following items whether stored in electronic or printed format:

**4.A.1.a:** Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

**4.A.1.b:** Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

**4.A.1.c:** Medical information for any employee, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

**4.A.1.d:** Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Names
2. Address
3. Customer number
4. Phone numbers
5. Maiden name
6. Date of birth

**4.A.1.e:** Authority personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Open Public Records Act. If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their supervisor. In the event that the Authority cannot resolve a conflict between this policy and the Open Public Records Act, the Authority will contact the Government Records Council.

#### **4.A.2: Hard Copy Distribution**

Each employee and contractor performing work for the Authority will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.

3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled “*Confidential paper shredding and recycling.*” Authority records, however, may only be destroyed in accordance with the Authority’s records retention policy.

#### **4.A.3: Electronic Distribution**

Each employee and contractor performing work for the Pollution Control Financing Authority of Warren County will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:  
*“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”*

### **SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM**

If the Authority maintains certain covered accounts pursuant to federal legislation, the Authority may include the additional program details.

#### **5.A: Covered Accounts**

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the Pollution Control Financing Authority of Warren County from identity theft, including financial, operational, compliance, reputation, or litigation risks.

#### **5.B: Red Flags**

**5.B.1:** The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or

4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

**5.B.2:** Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

### **5.C: Suspicious Documents**

**5.C.1:** Documents provided for identification that appear to have been altered or forged.

**5.C.2:** The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

**5.C.3:** Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

**5.C.4:** Other information on the identification is not consistent with readily accessible information that is on file with the Authority, such as a signature card or a recent check.

**5.C.5:** An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

### **5.D: Suspicious Personal Identifying Information**

**5.D.1:** Personal identifying information provided is inconsistent when compared against external information sources used by the Authority. For example:

- The address does not match any address in the consumer report;
- The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

**5.D.2:** Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Authority. For example, the address on an application is the same as the address provided on a fraudulent application.

**5.D.3:** Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Authority. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

**5.D.4:** The SSN provided is the same as that submitted by other persons opening an account or other customers.

**5.D.5:** The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

**5.D.6:** The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

**5.D.7:** Personal identifying information provided is not consistent with personal identifying information that is on file with the Authority.

**5.D.8:** When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

#### **5.E: Unusual use of, or suspicious activity related to, the covered account**

**5.E.1:** Shortly following the notice of a change of address for a covered account, the Authority receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

**5.E.2:** A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.

**5.E.3:** A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns.

**5.E.4:** A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

**5.E.5:** Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

**5.E.6:** The Authority is notified that the customer is not receiving paper account statements.

**5.E.7:** The Authority is notified of unauthorized charges or transactions in connection with a customer's covered account.

**5.E.8:** The Authority receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the Authority.

**5.E.9:** The Authority is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## **SECTION 6: RESPONDING TO RED FLAGS**

**6.A:** Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the Authority from damages and loss.

**6.A.1:** Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

**6.A.2:** The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

**6.B:** If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the Authority; and
4. Notifying the actual customer that fraud has been attempted.

## **SECTION 7: PERIODIC UPDATES TO PLAN**

**7.A:** At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

**7.B:** Periodic reviews will include an assessment of which accounts are covered by the program.

**7.C:** As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

**7.D:** Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the Authority and its customers.

## **SECTION 8: PROGRAM ADMINISTRATION**

### **8.A: Involvement of management**

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.

3. Operational responsibility of the program is delegated to the **Assistant Director**.

**8.B: Staff training**

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the Authority or its customers.
2. **The Assistant Director** is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

**8.C: Oversight of service provider arrangements**

1. It is the responsibility of the Authority to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

On a motion by *Mr. Accetturo*, seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

## **R E S O L U T I O N**

**R-02-09-24**

### **DESIGNATING THE EXPRESS TIMES**

### **AS THE OFFICIAL NEWSPAPER FOR ADVERTISING PUBLIC NOTICES - 2024**

WHEREAS, there exists a need for the advertising of Public Notices for the Pollution Control Financing Authority of Warren County in order to meet its responsibilities under the law;

NOW THEREFORE, be it resolved by the Pollution Control Financing Authority of Warren County that the EXPRESS TIMES is hereby designated as the official newspaper of the Pollution Control Financing Authority of Warren County for all Public Notices.

ROLL CALL:     Mr. Larsen             - 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.

*Mariann Cliff*  
Mariann Cliff  
Recording Secretary

Dated: 02/26/2024

CORRESPONDENCE

Mr. Accetturo asked if there was any correspondence.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

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

FINANCE

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

Mr. Knittel stated that while the finances were going well, they do show a deficit for the month of January, and that was because they paid a significant amount of bills in January that were loaded up-front. For example, \$266,000.00 for insurance was under the admin, so it shows that 70% of admin being used up. This was a one-time fee for all our insurance policies for the year. They also had a larger than normal expense that they knew about, the undercarriage on the D6 Dozer was worked on

in December and the bill came in January. So, it does show on our finances that they were a little ahead of spending on both, equipment repairs and on administrative expenses and that was because of up-front insurance costs.

Mr. Orcutt asked what the number was.

Mr. Knittel replied that the insurance was \$266,331.30 and the repairs were about \$110,000.00.

Mr. Orcutt asked if there was any reserve from last year's budget.

Mr. Knittel replied that they had consumed all of last year's equipment budget, and they did increase that budget line item, knowing that they had this bill coming in January. Also, leachate in January was very high because of December's extreme rainfall.

Mrs. Banghart stated that just so they all know, on page 2 of the financial report, the Revenues and the Operating & Capital Expenses, those numbers come from page 22, which was the revenues, and then 23, 24, 25 and 26 were all of the expenditures in detail and you could see exactly where they were coming from.

Mr. Knittel agreed and added that when you see the percent realized or expended, then the admin operating expenses, they had already spent 65% of the budget in the first month and that was the question that was raised. That was just because of those bills that come in the first month for the whole year.

Mrs. Banghart stated that they could also see where the PCFA received over \$11,000.00 in interest from Valley Bank, that was a very good plus in one month.

Mr. Perez asked if that was from the money that was moved over. Mrs. Banghart replied yes. Mr. Perez stated, good job.

Mrs. Banghart replied thank you.

Mr. Knittel asked Mrs. Banghart if there was anything else on finance.

Mr. Accetturo asked if the volume or intake of garbage was the same in the month of January 2024 as it was in 2023.

Mr. Knittel replied that it was actually up a little from last year when you compare year-to-year. It was unseasonably warm, usually construction, along with demolition debris, slows down during the winter for around three months. This year it did not slow down much. They were also bringing in ash at a much higher rate than they need for cover, and that ash was being sent to the top of the old cell. So, they were bringing in a little more revenue on solid waste and ash in January. That is why it was a surprise that they were still in a deficit for January, but it was simply because of the front-loading of the large insurance bills.

Mr. Knittel stated that, that was why they were at a little higher rate on both, solid waste and ash than last January. Also, they would be running heavy with ash all year, with income, because they were using it to shape the old cell underneath the permanent cap.

Mr. Accetturo stated that they need a resolution to pay bills.

Mr. Larsen stated that he would make a motion to approve.

Mr. Orcutt stated that he would second the motion.

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



Mr. Accetturo - Yes

On a motion by *Mr. Larsen*, seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *February 26, 2024*.

**R E S O L U T I O N**  
**R-02-10-24**  
**To Pay Bills – February 26, 2024**

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

We hereby certify Resolution to Pay Bills in the amount of **\$1,217,320.98** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *26<sup>th</sup> day of February, 2024*.

\_\_\_\_\_  
Mariann Cliff  
Recording Secretary

\_\_\_\_\_  
Jonathan Knittel  
Director of Operations

Approved: 02/26/24

### PERSONNEL

Mr. Accetturo asked Mr. Knittel if he had anything for personnel.

Mr. Knittel replied that he did not.

Mr. Orcutt asked if the previous employee had been replaced. Mr. Knittel stated that they were holding off until the personnel committee had time to re-group, a little later in the year.

Mr. Knittel stated that they do have the steep-slope mower, and they do plan to use themselves amongst the current crew. They would need some outside help with weed-whacking and flat mowing.

There was a discussion between the Board members and the Director regarding the position that was now available, what the job description would be, and how they could split up the duties to make the position more desirable.

They discussed that the previous position was isolated by its duties and they wanted to see it split up a bit and to have shared responsibilities, this would work better in this environment.

No decisions were made and the Director stated that he could present this to the Board at the next meeting. There was also a company that they could use to help if they did not fill this position by spring.

### PRESENTATIONS

Mr. Accetturo stated that there were no presentations.

### REPORTS

Mr. Accetturo stated there were no reports.

### FACILITIES/RECYCLING

Mr. Accetturo stated that it was time for the Facilities and Recycling. Mr. Knittel stated that he had two in-person meetings with the NJDEP over the last month. One was a formal inspection to see if they could find anything with odor concerns, which they could not in the field. Then the case manager came up to visit just this past week and they had a significant snow fall. The snow on an upper slope, above the cell that they were working in, had a melted spot in a very small diameter about 10-foot area. They went to that specific area to see why the snow had melted, obviously that was a warm spot coming out of the rock that was placed on the brand-new cell. There was a sub-surface pipe which was a perforated pipe that connects to the future cell up higher on the hill, and that pipe was acting like a conduit of concentrated odor. So, this was a great discovery! This happened because of the teamwork between the PCFA and the DEP with constant inspections and the right snow fall at the right time actually helped them locate a hot spot. So, they have ordered pipe which should be here Wednesday and they have asked SCS gas services to come in as soon as possible to do the welding and connection, about 1200 feet of jumper pipe. They would get back to a place where they have good vacuum on a large pipe, then jump a 4-inch pipe about 1000 feet out to that hotspot, and start pulling vacuum on that perforated pipe that was causing localized odor.

Mr. Knittel continued, and said that they do not know if by pulling on that localized hotspot all odors will go away, or if they have to keep marching forward with the horizontal collectors and the other

plans. They have asked Cornerstone to develop a master gas extraction plan, that doesn't just look at a month at a time trying to catch up, but looks ahead to project a couple years out in advance. This way they can properly budget for next year to possibly have some vertical wells, right now they could not use vertical wells to pull because the trash was not thick enough for a vertical well to pull. It would end up pulling from the atmosphere as well as the trash. In the meantime, they would have to get by with capturing hotspots and horizontal collectors.

The DEP was very encouraged that they were able to find the hotspot, so they were moving in the right direction and hope to get some feedback from local residents, Mr. Accetturo and others to see if there was an immediate improvement.

Mr. Knittel asked the Board if they had any questions on odor. They did look with the DEP about odor neutralizing sprays or mist that help break down the hydrogen sulfide odor. It was not just a cover scent like wintergreen or spearmint but it was a neutralizing agent.

Mr. Knittel stated that he had called down to the Atlantic City Utility Authority who has had odor issues and they gave him some suggestions on what they have tried. This started a group discussion among all 11 landfills in New Jersey, out of which, 7 of us were having unexpected odor concerns that have never popped up before. They all brainstormed and a common theme was the severe weather last year was almost 40% more rainfall than that of a normal year. Along with other factors on how we all were operating. They have all agreed to sit down as a group with the DEP at the May SWANA conference in Atlantic City and to also discuss why they all had those odors, how they corrected them if they did in fact correct them and share the information State-wide with all landfills. It was not just Warren County; it was 70% of the landfills this year having unexpected odor issues.

Mr. Knittel stated that they have looked at everything from waste composition to weather, and if there was anything that they were missing and to make sure that all the bases were covered and just keep moving ahead with the gas control at this time. At a rate a bit higher than normal to make up for the unseasonable wetness of New Jersey the last few years they were well above our thirty-year running average with rainfall. This makes the capping project even more important than ever, when they see these unexpected rainfalls at an annual total that was more than the thirty-year average.

Mr. Perez asked if they were in that group of unexpected odors?

Mr. Knittel replied yes, out of the 11, 7 of us all said that this was something that they had not had a problem with in years. Most never had any odor complaints and most all of them stated that it started last summer.

Mr. Knittel stated that up to May of last year, rainfall was low. Then in June they started getting hammered with these 15-inch months. July 15 was the FEMA type event in Warren County. Then right up to the end of December was another 9-inch month. Everybody since May has had this new odor complaint.

Mr. Knittel stated, it was a possibility that, if they did absolutely nothing, it may return back to normal with no odor complaints. Obviously as Director and Board we cannot take that risk, they have to increase gas control to the point that they may be putting in too much. Other landfills looked at the amount of pipe that we have in Cell 7 and said that the PCFA should have no odor complaints because they have more pipe than any of them.

Mr. Knittel stated that now they were studying the landfill to make sense of this, now they were wondering if this hotspot maybe it.

Mr. Perez asked if they had the money to take care of all of this. Mr. Knittel replied yes, they have a more than adequate budget. The normal annual budget in the past decade has been around thirty grand

per year for gas control. They had increased that to about one-hundred-fifty thousand, and if that was not enough there were ways of getting it from other line items. What they need now was a little more time from the Board and community to implement some more changes. To take that money and put it into engineering controls.

Mr. Orcutt stated that for the long term, this meant that there was more bio-activity going on, and they would get airspace back much sooner than expected.

Mr. Knittel replied that the benefit of having item-10 was that it does rot up and regenerate its own airspace. If it rots so quick because it has adequate moisture then it was cooking off quicker than anyone expects.

Mr. Knittel stated that the next bullet was big, it was the hand out A-2, the permanent closure cap update. The bid package went into Florio Perrucci Steinhardt Cappelli & Tipton's, LLC firm, Mrs. Fina reviewed the bid and made comments, she was able to do a one week turn-around.

Mr. Knittel stated that they were going to take her comments and implement them. There was a comment on there that came in late on Friday, with a question, they need to decide to have a clear process in this bid package if there were problems with a contractor.

Mrs. Fina needs to know, if they wanted to use negotiation, arbitration, or litigation to resolve conflicts.

Mr. Knittel stated that to him, and he would defer to counsel, it sounds like you would start with the least amount of stress, like negotiations sounds better than arbitration and arbitration sounds better than litigation. So, on this he would defer to Mr. Tipton if he could review Mrs. Fina's comments and then they would like to implement these comments into the bid package.

Mr. Knittel stated that since time is of the essence, for a construction season project. With the Boards permission, he would like to make these edits, and implement the Boards choice of conflict resolution that's appropriate for this job, then put it out to bid as soon as those edits were complete. Then hopefully open this up for public bidding for about six to seven weeks and then they would be ready for Board approval to award the contract by the April meeting. Then they could proceed to start construction in May 2024.

Mrs. Banghart stated that they would need Board approval to go out to bid once the edits were complete upon Attorney review.

Mr. Orcutt stated that they could approve the package to go out to bid once everything was done and the Chairman had looked it over.

They all discussed the bid package and what pieces Mrs. Fina changed in it and how soon it would be ready to be checked over by both the Attorney and the Chairman.

It was then decided, that they would approve it as long as it was reviewed by counsel and looked over by the Operations committee.

Mr. Orcutt asked if they needed a formal approval. Mr. Knittel replied yes.

Mr. Orcutt stated that it was a practical matter that when you were doing a contract, you were doing negotiations within the bounds of the contract anyway, the question would be if it was negotiations, arbitration, or litigation.

Mr. Tipton replied that it usually would select arbitration, or court, it is not a matter of if it was escalating or not they had to choose one or the other.

Mr. Accetturo asked that shouldn't they have this completed, corrected and out to bid and awarded by next meeting anyway?

Mr. Knittel stated that all of the changes could be taken care of in a couple days, it would be harmful to wait another 30 days.

Mr. Tipton stated that they just need a motion to approve and put out to bid as revised by counsel's recommendations.

Mr. Orcutt stated that he would make that motion.

Mr. Accetturo replied that he would second the motion.

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

Mr. Knittel stated that on cell 7, the final payment was delivered to the contractor and now cell 7 is history. Also, the same with FEMA drainage ACO project was now 100% complete.

Mr. Knittel stated that the last tick under facilities was, they were still gathering informational quotes from equipment vendors for used rock trucks in the 35-ton range. They have a draft public bid for a used rock truck in the 30-to-35-ton capacity range with less than 4,000 hours. This was drafted last year but should still work for them because they are not getting a machine that's really beat up, but not brand new and paying a premium. He kept it with the 4,000 hours in the draft bid, they would submit that bid later this month for legal review. It was a strange one because, it was purchasing used equipment, so he wants to make sure that if they get one bid, or multiple bids, his question to the Board was this, say they have two models, a CAT & Hyundai and one is more affordable but it might have higher maintenance cost and the other was more expensive but has a lower operating cost does the PCFA have to take the lowest bid on a used piece of equipment? Or should he write the bid to be very specific to a particular piece of used equipment? This may narrow down the list of responses, used equipment was a strange beast to go out to bid on, and he was instructed that he did indeed have to go out to bid for it.

Mr. Orcutt stated that he thought that they were going in for a lease option with monthly payments.

Mr. Larsen replied yes, a lease to own type of agreement.

Mr. Knittel replied that even if it was financed for 48 months, we still have to go out to bid.

Mr. Knittel stated that it was a possibility with both Hoffman equipment and Caterpillar.

Mr. Orcutt replied that it does not say that anywhere, and it is coming out of operating, they cannot take it out of capital accounts.

Mr. Knittel replied that they can talk about it and add it in, that is why it was brought up today and they have enough to scrape up the payment for a used machine but would prefer to spread it out over two years.

Mr. Larsen asked via a lease or purchase. Mr. Knittel replied via a lease-to-own, or rent-to-own option.

Mr. Larsen replied why don't they devise a bid that has two options. Put in the, purchase to lease option, and also put in, the rent to own option. With the specs for each being similar for the actual

piece of equipment. Then just let them respond with either option A or option B, then you can evaluate it and leave it up to you for final decision as to best value. Even if the pricing is lower than the operating cost would be.

Mr. Orcutt asked what kind of money they were planning on spending.

Mr. Knittel replied that the 30-ton truck brand new to give you a base-line for new, was just over \$600,000.00. a used one with below 4000 hours could drop down to that \$350,000.00 range.

Mr. Orcutt asked and that \$350,000.00 the PCFA was thinking about paying over two years?

Mr. Knittel replied yes. Mr. Orcutt replied that it would have to be very specific to the bid document.

Mr. Knittel agreed.

Mr. Larsen stated that you could outline the finance terms in the bid doc and who ever responds to them as is would understand those terms.

Mr. Orcutt asked why was it two years versus three years?

Mr. Knittel replied that on a used piece of equipment it would be very rare for them to extend it past 2-years, the risk factor was too high.

Mr. Orcutt stated that this would be a Foley deal not a Caterpillar deal. Mr. Knittel replied correct it would be the distributor such as Foley or Hoffman Equipment.

Mr. Orcutt asked how they did that, if it was in-house. Mr. Knittel replied yes, the distributor does the financing.

Mr. Perez asked if they could choose it for 2-years or 3-years.

Mr. Knittel replied that three years was not an option on used equipment.

Mr. Orcutt stated that the reason that he asked about 3-years was, that then they could pay the final 2-years out of capital, instead of paying it out of operations. Mr. Knittel replied yes.

Mr. Knittel stated that he liked the idea that Mr. Larsen brought up about having the 2-options listed out in the bid, he would try to edit that draft bid and send it over for legal and present it at the next meeting. They should have it out in the agenda packets at least a week ahead of time.

Mr. Knittel stated that he thinks they take the time, this is too important, they have to get it right, they would present this at the next meeting.

Mr. Knittel asked Mr. Larsen if he would assist him in the next week or so in laying out those two options. Mr. Larsen agreed.

Mr. Orcutt asked if he had spoken to either one of these dealerships.

Mr. Knittel replied that that yes, he had and they had submitted quotes.

There was a detailed discussion amongst the Board and Mr. Knittel on what machines he was looking for, what quotes they had and the shape and hours of the machines. They discussed the pricing and financing again. They agreed that at the next meeting Mr. Knittel would have all of the details and bid packets ready to be presented to the Board.

Mr. Knittel stated that up next was A-3 the Waste Disposal Fee Schedule, there was one town that came in, but this discussion could be contractual and needed to be discussed in executive session.

That town does have recycling options of their own, so they would not need, nor do we have the ability to accept another towns recycling. We are only equipped to accept recycling from private Warren County residents

Mr. Knittel stated that next was A-4, A-5, and A-6 they were their recycling programs, Electronics, Tires and Single Stream. There were a few hiccups with the electronics recycling. Most of it was weather related, they were not able to come for a few weeks and they had a surplus of electronics. It does seem like they were back on track now, and the others, the Tires and the Single Stream were going well.

Mr. Knittel stated that they do submit all of the recycling paperwork annually to Dave Dech and they do pay fees to New Jersey. They do get some of those fees back to us in enhancement grants.

#### GENERAL COUNSEL

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

Mr. Tipton replied that there no updates with Russel Reid, they met with them, they were waiting for them to respond to that meeting since they revealed some information that they were unaware of. He said that if Mr. Knittel had not heard from them, he will follow up with their counsel and find out what was going on.

#### OTHER BUSINESS

Mr. Accetturo asked if there were any other business.

#### CLOSING PUBLIC COMMENTS

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

#### PRESS COMMENTS AND QUESTIONS

Mr. Accetturo asked if there were any press questions or comments.

#### EXECUTIVE SESSION

Mr. Accetturo asked if there was a motion to go into Executive session.

Mr. Orcutt stated that he would make a motion to go into Executive session.

Mr. Accetturo stated that he would second the motion.

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

*Executive session was entered at approximately 10:15 am.*

## **RESOLUTION**

**R-02-11-24**

**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. 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.

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Recording Secretary  
Mariann Cliff

Dated:

**\*\*Mr. Tipton left the Board room approximately 10:37 am.**

**\*\*Mr. Tipton re-entered the Board room approximately 10:50 am.**

**\*\*Executive session ended approximately 10:55 am.**

Mr. Accetturo made a motion to come out of Executive Session, seconded by Mr. Orcutt.

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

**Regular session resumed at approximately 10:55 am.**

Mr. Orcutt stated that he would move to rate schedule change from \$71.00 to \$68.00.

Mr. Larsen stated that he would second the motion.

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

Mr. Orcutt stated that there was another item.

Mr. Knittel replied yes, the interlocal agreement for Phillipsburg for the remainder of 2024 and calendar year 2025 and 2026, for a two-and-a-half-year agreement tonnage rate from six to ten

thousand tons at a disposal fee of \$68.00 not counting the \$3.00 recycling tax. The second option would be at \$71.00 this would include the \$3.00 recycling tax.

Mr. Orcutt stated that he would make a motion on the above agreement.

Mr. Larsen stated that he would second the motion.

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

Mr. Knittel stated that they needed a resolution to accept Mrs. Fina's edits on the bid documents as presented.

Mr. Tipton stated that the resolution would be, to make a motion to approve the bid package to go out pending the edits on the bid documents done by Mrs. Fina and approved by the operations committee. They also would choose the arbitration option to be mandatory.

Mr. Orcutt stated that he would make a motion on the above statement.

Mr. Larsen stated that he would second the motion.

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

### ADJOURNMENT

Mr. Accetturo asked if there was a motion to adjourn.

Mr. Accetturo stated that he would make a motion to adjourn.

Mr. Orcutt stated that he would second the motion.

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

***\*\*Meeting was adjourned at approximately 11:03 am***

Respectfully submitted by:

Mariann Cliff  
Recording Secretary

Approved: 4/22/24