

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

November 20, 2023

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:42 AM.

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

Mr. Accetturo 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 Chairman Accetturo.

Mr. Accetturo read the following statement: “Adequate notice of this meeting of November 20th 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 there was a motion for M-1 the Regular monthly meeting minutes from October 23, 2023.

Mr. Perez made a motion to approve the Regular Monthly Meeting Minutes from October 23, 2023, seconded by Mr. Orcutt.

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

Mr. Accetturo asked if there was a motion to approve M-2 the Executive monthly meeting minutes from October 23, 2023.

Mr. Perez made a motion to approve the Executive Monthly Meeting Minutes from October 23, 2023, seconded by Mr. Orcutt.

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

CORRESPONDENCE

Mr. Accetturo stated that for correspondence they had received a letter dated 10/26/23 from the Board of County Commissioners, regarding Alex Lazorisak resigning from the PCFA Board. They also received a letter dated 11/13/23 from the State of NJ DEP regarding the ACO Extension Request. Mr. Accetturo asked if there were any comments on those two items.

Mr. Orcutt replied that he would make a motion accepting Mr. Lazorisak's resignation. Mr. Accetturo replied that he would second the motion.

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

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

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

FINANCE

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

Mr. Knittel stated that the finances were going well, there were no issues. They did receive the first disbursement from closure funds, that money would work their way into Valley Bank. They initially went to another bank but will end up at Valley at 4.6% interest. This was nice, it was a two-million-dollar reimbursement. It was money that they had spent out-of-pocket for closure funds, throughout all of the calendar year and it took them 7 or 8 months to get that request in, approved and then returned back to them. They were working with the DEP to get those disbursement requests within 30-to-60-day period instead of six or seven months.

Mr. Knittel stated that their tonnage was up this year, this was mainly due to being able to receive extra tonnage for the old cell, while they were filling in and shaping several points as they get ready to cap. The tonnage of this year is not reflective of the tonnage that they expect next year. They expect the tonnage to get back down to a more normal and consistent level moving forward.

Mr. Knittel stated that they have resolution R-11-01-23 to pay the bills for the month which includes all bills except for one, which they were asked to hold aside by counsel and they would talk more about that one bill in executive session.

Mr. Perez stated that he would make a motion to pay bills.

Mr. Accetturo 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. Perez** seconded by **Mr. Accetturo**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *November 20, 2023*.

RESOLUTION

R-11-01-23

To Pay Bills – November 20, 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. Orcutt - Yes
 Mr. Perez - Yes
 Mr. Accetturo - Yes

We hereby certify Resolution to Pay Bills in the amount of **\$1,078,681.39** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the 20th day of November, 2023.

Mariann Cliff
Recording Secretary

Jonathan Knittel
Director of Operations

Approved: 11/20/23

Mr. Knittel stated that next, was A-2 our 2024 Draft Budget was due to the State in December, so they have this meeting alone to approve a resolution to introduce a draft 2024 budget. This could be edited by us or the DCA, (Division of Community Affairs) if they deem it necessary. They did instruct them this calendar year, to withhold from using their net cash position for any capital. They put a restriction on them for one year until their cash balance returns to a higher level. Those levels dropped because they used their own cash to pay for cell-7. They anticipate the net position returning to a favorable position by January of next year, and so for this calendar year, this budget was a little strange in the sense of, any large item expense will be built into that one-year budget. Anything that they spend needs to be paid for from revenue from that calendar year, not from capital. They anticipate that the capital restriction would be removed a year from now. Mr. Knittel stated that other than that, the budget, mirrors last-years budget with everything being more expensive by about 4% and with the DCA’s recommendation, regarding the current negative unrestricted cash position, they have raised their tonnage rate at the gate. They have talked about raising that rate for the majority of the haulers but not for the convenience center, and not for the smallest of the haulers. So, they have proposed a tonnage increase in the budget and that would be presented in a different resolution later.

Mr. Knittel stated that right now they would need the resolution to introduce the 2024 budget, this would cover all, appropriations, revenue, and capital for 2024. There were three items in that budget that they would be submitting to the State of New Jersey.

Mr. Knittel stated that this was a 5-page handout, if there was any discussion necessary, they could discuss those concerns now, before they introduce the draft. They have already talked about some of the things in these pages, capital was addressed, revenue from our tipping fees would include a \$4.00 per ton, a 7.5% increase on the majority of the haulers. That would be the biggest item on revenue, the \$4.00 per ton increase. Then appropriations just followed inflation, line items generally went up for insurance, fuel etc.

Mr. Perez asked what happens if they need to use some of that money that has been restricted. Perhaps an emergency, what do they do then?

Mr. Knittel replied that as long as they have incoming revenue within that calendar year to cover the expense, that was not considered capital, that's your budget surplus for that year. It could be used, for example, emergency machinery repair.

Mr. Knittel stated that in this balanced budget they do have surplus in two line-items. One was equipment lease and rental, and the name was changed to equipment lease, rent-to-purchase or replace. So, they put a dollar value in line 5520 under general operations for equipment emergencies. In a normal year that might just be a few months of a machine rental. In this budget because they were not allowed to use capital, they had increased that line item significantly.

Mr. Knittel stated that there was a second line that contains surplus, line 5999 is a line that captures all budget surpluses, and puts it back into your bank account at the end of the year. They were going to move \$200,000.00 from that line, to line 5520 to address potential emergencies such as large equipment repairs or replacement.

There was a lengthy discussion about how that was going to work, specifically if they were to purchase a rock truck in the next calendar year versus using a rental machine, where the money would come from.

There was also a discussion about making a motion on the budget before employee's salaries were discussed, and it was duly noted that the employees' salaries were indeed a very small fraction of the total budget.

Mr. Knittel went on to say that one of the most important capital expenses in the near future would be to re-open the on-site water treatment plant and get it into a modern condition. If he could find outside sources of funding for that, he would try to, with either grant money or using closure funds perhaps, to get that water treatment plant going sooner than later.

A discussion followed regarding trucking, costs and problems of disposing leachate and what a benefit it would be to start that project as soon as possible.

Mr. Accetturo stated that he did not know if this was the time to bring it up, but he has had this discussion in the past, as far as creating a line item for some sort of compensation to the town of Oxford. He said he has spoken with the mayor, and he also was a former mayor. When all this began, in the 1980's, the idea was to have a waste facility in Warren County. Where they decided to put it, was in Oxford and White Township. Oxford at that time, had a fair compensation package with waste, with the PCFA, Covanta and other companies. Over the years that changed, today, Oxford gets a pittance compared to what they were sold as a town.

Mr. Accetturo stated that he thinks that the PCFA has the ability to compensate the town of Oxford to some tune. Not the full amount of the official host community, but there were several factors that stick out, all truck traffic related to this facility comes through Oxford.

Mr. Accetturo stated that Oxford must bear the stigma of having a dump in its town, that it doesn't even have, which is quite annoying as an Oxford resident. Everyone knows its true, everyone sees every comment that is on the internet. Short of someone from this office responding to everyone of those comments, he thinks that Oxford deserves a line item on this budget.

Mr. Accetturo stated that it should be abundantly clear at this point, that he thinks this was completely unfair to Oxford.

There was a very detailed discussion between the Board members to put a number on it and Mr. Accetturo indicated that it could be half of what the host town was getting, which would be around \$2.00 per ton.

Mr. Accetturo stated that the town was putting up with a lot of things, now getting odors from the landfill, they get the odors not only at the DPW, but he is now getting them at his home. There was quite a lot of truck traffic coming over Belvidere Avenue.

Mr. Accetturo stated that this was initially approved as an ash dump, this was not supposed to be a garbage dump. This was a fundamental change. Other fundamental change, though not so big was: there was a way to get here going through White Township. White Township closed that road off, which made it even more of a burden on the town of Oxford.

Mr. Accetturo stated that when a Lemcor truck tipped over, it happened that it dumped over in the middle of Oxford. That had to be cleaned up. When someone got killed on the scale, at the time, police were paid for by the town of Oxford. They were the first responders, and the Oxford squad which is shared by White and Oxford.

Mr. Accetturo stated that he just does not get the unbalance, that one town would get so much more money than another town.

Mr. Accetturo stated that he does know the specifics of the law, and that it bases it off of the population of the town. Then brought up in detail about other landfills in New Jersey that shares a host agreement with two towns.

The Board then discussed at length, what Oxford should receive besides the weekly tipping fees.

Mr. Knittel stated that Oxford currently was receiving in free services (weekly garbage and township cleanups) around \$100,000.00. In this current budget at \$4.378 (2024 rate) per ton (140,000 tons) they anticipate \$612,920.00 going to White Township.

Mr. Accetturo asked, which they received \$800,000.00 this year already? Mr. Knittel replied that because it was a high tonnage year. Yes, they are currently at \$680,000.00 and with two payments left will hit \$800,000.00 this year.

Mrs. Banghart stated that it was not \$4.65 it was \$4.20. Mr. Knittel stated that it varies, there was a formula that changes the math. It was not a fixed fee, it was a formula that changes, it goes up and down with the formula that was established in the multi-decade agreement with the host community.

Mr. Orcutt asked in round figures 150,000 tons times \$2.00 equals \$300,000.00.

Mr. Knittel asked if those were the numbers the Board was talking about, on top of the \$100,000.00 that they were already getting?

Mr. Knittel stated that if that were so, he would completely have to re-vamp the entire budget. He would have to look at tonnage rates, tipping fees. He would have to refer to Mr. Tipton about any of the legal issues brought up, can a town that was not the host community receive a fee.

Mr. Perez asked that, if they do something like this, does this open the door to any other townships coming back and wanting 'a piece of the action'?

Mr. Accetturo replied that he did not know what their standing would be.

The Board went into a discussion regarding the legality of adding a line item to the budget at this late of date. The use of Oxford township's roadways, the option of phasing it in over 2 to 3 years. It was also brought up, that there were the commissioners that were over the PCFA Board members and how they would react to this.

Mr. Knittel stated that he had some questions regarding the possible change from an authority to an MUA that had been brought up in other meetings. Such as what happens to the White Township fee then, does it get re-negotiated?

Mr. Accetturo interjected with he does not think anyone has addressed cutting White township's fee, that was not his point.

Discussion ensued regarding the differences of a County organization or an Authority. Also, how long it would take to change the Authority to an MUA was not something they were discussing, and who would get what. And the fact of, that would come from the Commissioners, not this Board.

Mr. Tipton stated that he had started communications with the DCA, and their initial response was that they could not make that change. He does not think that they understood, because no one else has ever tried to do it before. There was only three PCFA's in the State, and it is a dying creature, so when it was presented to them, it confused them. Mr. Tipton stated that he was still at the lowest level and he was trying to elevate the conversation with Mr. Lazorisak and with Mr. Bell. Because it was a County thing that obviously has an impact on them.

A discussion started regarding host fees, and it was questioned if South Plainfield was an MUA or not, siting that they did pay a host fee to South Plainfield. They also spoke about if they were to start this fee with Oxford, would they do this while they were a PCFA or if they change to an MUA.

Mr. Accetturo replied that this had nothing to do with the conversation. The likely-hood of getting that done unfortunately seems so tiny, even when a woman has to change her name in marriage the paperwork was a nightmare. Imagine changing from a PCFA to an MUA, he would love to see it happen for obvious reasons. But he just does not see it happening.

Mr. Perez stated that he was just concerned that if they don't do it now, it would restrict them if they did change. He personally feels that Oxford was deserving of some kind of compensation.

Mr. Orcutt replied, how do they put a number on it, do they all agree on it? And how do they do it budgetarily. Those were the questions.

Mr. Accetturo stated that budgetarily you were just going to add the line item and figure it out. Mr. Perez asked if they could do an addendum.

Mr. Accetturo stated that they have all been doing budgets long enough in all of our various positions. All this yellow on here was all because of an accounting issue, like the State saw the accounting in a different way and it has made this year a little difficult to do. It was not lack of money, it was because of how they want things done. You have to navigate the accounting world to get through these budgets. This Authority does not have a money problem, it has a bit of accounting issue. There is a ton of money here, there was 30 million dollars here. There was no budget crisis here, nothing like that. They were going to test the waters with higher fees this year, they could always respond to that, they have enough money that they could get through the year, even if they have a lean year. It is about fairness to one particular town.

There was a quick discussion on how to proceed.

Mr. Accetturo stated that it's a line item with a dollar amount, that's all that it has to be. The only discussion is the dollar amount. Obviously, you would put a line item in there for \$2.00, that would be \$280,000.00. That is a line item. After that fact, Mr. Tipton would have to figure out the cleanest way to do it. Oxford had been compensated in the past, they did not call it a host fee, they called it something else. It has been done before, he would like to see it done in a way that it was a permanent thing or continuation. Because of the way it was done last time it became a political football and that was unfair.

Mr. Larsen asked if there was a formal agreement between White township and this organization.

Mr. Accetturo and Mr. Knittel replied that yes there was.

Mr. Larsen stated that the fair thing to do would be to look at that format and drop a number in it and use the same thing.

Mr. Accetturo replied that would be Mr. Tipton's job to figure out how. Our job today is to say that they would put the line item in, yes, do they put a dollar amount in it, yes. What it comes down to is the dollar amount, and again this place is sitting on thirty million dollars, no matter how you slice it. Mr. Knittel replied that they were in public session, and they do not have thirty million dollars. That was closure account money.

Mr. Knittel stated that was DEP's money, for closure related items.

Mr. Accetturo stated again they were sitting on thirty million dollars, that is what he said and he will stand by that. No matter how you slice it, they were sitting on thirty million dollars. This was all an accounting shell game, some things they could take it for. If they wanted to cap part of it, yes, maybe they could take it out of closure funds. Maybe they can't, it's just a shell game, no matter how you slice it. There is a lot of money here, there was a lot of money that comes in here. That little Town deserves a little slice of it, find a way to do it. That was it, that was all he was saying.

Mr. Orcutt replied, ok Mr. Chairman.

Mr. Perez stated why don't they just do the numbers and get that part done.

Mr. Larsen asked if they wanted to start at it 2.50 and run a scenario?

Mr. Knittel stated that in 30 days the budget was due to the state, if they go anything more than a dollar, which was \$140,000.00, there was no way of balancing the budget in 30 days or less. Then they would be at the December 18th meeting, and they would be late.

Mr. Orcutt stated that if that was the case that goes back to his idea of phasing it in over two or more years.

Mr. Knittel stated that he would do everything he could, and whatever the Board directs him to do. Mr. Orcutt replied that if they phase it in, if something blows up terribly for some strange reason then they don't have Oxford's anticipation of that amount being set.

Mr. Accetturo replied that for Oxford's first year it was not going to go into their operating budget. They would not be doing that, or anticipating a set amount for the first few years.

Mr. Orcutt stated that they would not even be getting it until, he was not sure as to how it worked or when.

Mr. Knittel stated that if it goes into this budget, they would be getting their first check January 30th, it has to be paid every month.

Mr. Perez asked if \$140,000.00 was the max that they could do?

Mr. Knittel replied that they would be doing 140,000 tons next year, which would be \$140,000.00 that he does not have in this current budget. He would have to try to find \$140,000.00 in this budget, and one of the things they may have to look at would be the tonnage increase again, the dollar per ton, tipping fee. They have fixed expenses, whether it be in insurance, leachate, and everything else. They were trying to reduce the cost of leachate and other things, to free up cash. They were in the beginning phases of capping portions of this landfill that should have been capped years ago.

Mr. Knittel stated that, for him to free up hundreds of thousands of dollars on short notice, a phase program that Mr. Orcutt proposed does make sense.

Mr. Orcutt replied that to phase it means that Mr. Knittel must find \$140,000.00 not \$280,000.00, and Mr. Knittel kind of said that he could find \$140,000.00, correct? Mr. Orcutt then asked Mr. Knittel if he did indeed say that?

Mr. Accetturo replied that was what he heard.

Mr. Knittel replied that he thinks that he could, yes. If that was what the Board wants him to do then yes, he would try to do it, but beyond that he would be seriously struggling.

Mr. Perez stated that if they did \$140,000.00 for this year, then they put something in the budget for next year, that there would be an increase, whatever the percentage was, whatever the amount was, that they figure is fair. He then asked Mr. Tipton if they could they do that?

Mr. Accetturo interjected that he thinks, that they could do anything.

There was a detailed discussion regarding what they could or could not do with closure funds and it was said that whatever the will of the Board was, within reason, they could do, as long as the DEP sanctioned it.

It was also discussed again, in detail how the closure funds had to be funded for the next forty years. This was all tied to what the cash position should be when they closed the doors and walked away. Currently the DEP sees them in a negative cash position, even though the future seemed bright.

Mr. Knittel stated that the bottom line was that they were healthy, but, just two months ago, they were down to less than 1 ½ months left of operating cash, when they received closure reimbursements for money that they spent out of pocket, before they received that two-million-dollar reimbursement. By State law, they must always keep 10% of their budget in cash, so if their budget was 9 million, they need 900,000.00 in cash at all times in their bank account.

Mr. Knittel stated that there were certain State rules that he must stay within. When they saw that their bank accounts fell below the two and one half million, and they need to keep a million in there by State law, those were stressful times.

Mr. Knittel stated that if a budget was set out a year or two in advance, and they look ahead, then they could budget for that kind of expense. Are they running a surplus each month on revenue, yes, but they were also in the process of catching up on projects that they should have been more aggressive on.

There was more discussion on the Director finding \$140,000.00 in this budget that they could allocate to Oxford. Then there were talks of re-negotiating for the next year. The agreement between White township and the PCFA was brought up and was said that it was not negotiable, and they also want to set up the same type of perpetual contract between the PCFA and Oxford.

Mr. Accetturo stated that Mr. Knittel's argument was that for this calendar year because of how this was put together it would be easier to have the lower amount, then next year this discussion would begin all over again.

The discussion continued on, what, how and when Oxford was to get compensated.

Mr. Perez asked if Mr. Knittel was ok with this.

Mr. Accetturo replied no, apparently, Mr. Knittel was not ok with it, and he was having a really hard time with it. He was really surprised at that.

Mr. Knittel replied that he was not having a hard time with it. Mr. Accetturo interjected that you keep fighting against it.

Mr. Knittel stated that it was the just the timing of it, just when the budget was due.

Mr. Accetturo replied that he brought it up before and they did not put it in the budget.

Mr. Knittel stated that he cannot put line items in the budget without being directed to by the Board or the State.

Mr. Accetturo replied that he begs to differ, he thinks that Mr. Knittel has added things to the budget in the past.

Then it was discussed how a line item gets into the budget and it was decided that they needed a motion to set the amount as \$1.00 per ton for Oxford and add a line item into the budget. Mr. Tipton would work with Mr. Knittel to make it happen. It was discussed about how to do it with raising the tipping fees, and who does what, and what it was called.

Mr. Perez stated that they would need a motion.

Mr. Larsen stated that he would make a motion for \$1.00 per ton for Oxford, and add a line item into the 2024 budget.

Mr. Orcutt 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 needed to make a motion to approve the budget also?

Mr. Knittel replied that was very formal with the State of New Jersey, it was in the form of a Resolution.

Mr. Knittel stated that Resolution R-11-02-23 must be approved, for introduction of the draft budget.

Mrs. Banghart stated that the base number would not change, it was 9.5 million. Mr. Knittel agreed, they would stay within the proposed budget with the proposed \$4.00 per ton increase for the haulers noted.

There was also discussion, on when to have the discussion on the increase, and noted that it was not tied to the budget, it came up later, in the contracts and the waste disposal fee. This would not change the dollar amount in the budget, it was just the introduction to the budget that had to be approved.

Mr. Accetturo stated that they need a motion on the proposed budget.

Mr. Knittel replied yes sir.

Mr. Accetturo stated that he would make the motion for R-11-02-23 Resolution to Introduce 2024 Budget.

Mr. Perez stated that he would second the motion.

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

2024 AUTHORITY BUDGET RESOLUTION

POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

RESOLUTION

R-11-02-23

Warren County Pollution Control Financing Authority
FISCAL YEAR: January 01, 2024 to December 31, 2024

WHEREAS, the Annual Budget for Warren County Pollution Control Financing Authority for the fiscal year beginning January 01, 2024 and ending December 31, 2024 has been presented before the governing body of the Warren County Pollution Control Financing Authority at its open public meeting of November 20, 2023; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$9,500,000.00, Total Appropriations including any Accumulated Deficit, if any, of \$9,500,000.00, and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$5,900,000.00 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0.00; and

WHEREAS, the schedule of rents, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Warren County Pollution Control Financing Authority, at an open public meeting held on November 20, 2023 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Warren County Pollution Control Financing Authority for the fiscal year beginning January 01, 2024 and ending December 31, 2024, is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Warren County Pollution Control Financing Authority will consider the Annual Budget and Capital Budget/Program for Adoption on December 18, 2023.

(Secretary's Signature)

(Date)

**Governing Body Recorded
Vote**

Member	Aye	Nay	Abstain	Absent
Angelo Accetturo	x			
Walter Orcutt	x			

Daniel Perez	x			
Robert Larsen	x			
Vacant				

Mr. Knittel stated that as a formality the next item was Authorizing the Resolution of Corporation from Fulton Bank escrow account it was the R-11-03-23.

Mr. Knittel stated that this was where they get their closure disbursement funds from, it requires them to update the resolution for the books. It was a requirement from the closure account funding system. To have an updated resolution on-hand.

Mrs. Banghart stated that the last one that was done, had Jim Williams name on it, taking fourteen million from the escrow account. So, they need a new one with Mr. Knittel's name on it.

Mr. Knittel replied ok, then this was a name change.

Mr. Larsen stated that he would make a motion on R-11-03-23.

Mr. Orcutt stated that he would second the motion.

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

AUTHORIZING RESOLUTION OF CORPORATION

To: Fulton Financial Advisors
One Penn Square
Lancaster, PA 17602

By: Pollution Control Financing Authority
(Corporate Entity) of Warren County

500 Mt. Pisgah Ave. P.O. Box 587
(Address)

Oxford, NJ 07863
(City, State and Zip Code)

Date Incorporated: August 14, 1974

Entity Number: 222604318

A. I, Jonathan Knittel _____ certify that I am the
Director _____ of the above named Corporation
organized under the laws of the state of New Jersey, Federal
Employer I.D. No. 222604318, and that the following is a correct copy of
Resolutions adopted at a meeting of the Board Of Directors of this Corporation, which
meeting was duly and properly called in accordance with applicable law and held on
November 20, 2023 These Resolutions appear in minutes of this meeting and have not
been rescinded or modified.

B. **Be it resolved, by the Board Of Directors of this Corporation as follows:**

- (1) The Cash Reserve Investment Management Agreement, in substantially the form presented at this meeting, is hereby approved, together with such modifications, additions or deletions as the officers executing such agreement shall approve, their execution to be conclusive evidence of such approval.
- (2) Fulton Financial Advisors is hereby appointed to manage the cash reserves of this Corporation pursuant to the terms and conditions of the Cash Reserve Investment Management Agreement.
- (3) The following officers, or any [one] [two] of them, are hereby authorized to execute and deliver the Cash Reserve Investment Management Agreement, any documents required in connection with the Cash Reserve Investment Management Agreement, any modification, additions or deletions to said agreement, any instructions to Fulton Financial Advisors with respect to funds held in the Cash Reserve Investment Management Account, or to take any other steps, or to deposit or withdraw funds, or execute any other documents on behalf of this entity in order to carry out the intent and purpose of the Cash Reserve Investment Management Agreement and this Resolution:

Mr. Knittel stated that A-3 was their annual audit on the closure funds, was accomplished on October 1st through September 30th which was the accounting year for the closure funds. There were no issues on that audit. It was performed by Nisivoccia, and A-3 was a letter of results of that annual audit. They check Fulton Financial Advisors to see how they were investing funds to make sure it meets the requirements of State law. There were certain rules and regulations that they were bound by. This was informational only.

Mr. Knittel stated that A-4 was the 2023 budget transfer forms, earlier discussion included, that the State DCA. discussed with them that they were using capital funds this year that the DCA did not want them to use this calendar year. They moved those funds from the capital accounts back into our appropriation line items. It drives some line items negative, such as the landscaping line item, by putting a retaining wall that was formerly in capital, back into a landscaping budget, it drives that line into the negative. Therefore, funds needed to be transferred from surplus revenue in this calendar year back into appropriations. So, Mrs. Banghart has included A-4 which was the 2023 budget transfer form.

Mrs. Banghart stated that this was just moving withing the lines. Mr. Knittel stated then next month they would have a second one, to move funds from revenue to appropriations.

Mrs. Banghart replied that this was just the start and they were going to have more next month.

Mrs. Banghart also stated that she needed Board approval for this move.

Mr. Accetturo stated that he would make the motion for A-4.

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 would move on to A-5, 2024 Agreement between R&L Data Centers, Inc. and PCFA, that was our Payroll-Related Services. This was the same company they've used for many years, they were happy with them doing our payroll services. That was our annual agreement R-11-04-23.

Mr. Perez stated that he would make a motion.

Mr. Larsen 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. Accetturo** seconded by **Mr. Orcutt**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *November 20, 2023*

RESOLUTION

R-11-04-23

**AUTHORIZING AND APPROVING AN AGREEMENT WITH R&L
DATACENTERS, INC. FOR THE POLLUTION CONTROL FINANCING
AUTHORITY OF WARREN COUNTY FOR 2024 PAYROLL-RELATED
SERVICES**

WHEREAS, the Pollution Control Financing Authority (the “Authority”) have determined that in the best interests if the Authority to have a third party, R&L DataCenters, Inc (R&L), perform certain services including payroll processing and tax filing for the Authority; and

WHEREAS, R&L has provided the Authority with an Agreement Between R&L DataCenters, Inc. and the Pollution Control Financing Authority of Warren County (collectively, the “Agreement”), attached hereto and incorporated herein as Exhibit A, which sets forth the terms which R&L will provide the Services to the Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Pollution Control Financing Authority of the County of Warren in the State of New Jersey as follows:

1. R&L DataCenters, Inc. shall be appointed to provide payroll-related services, and that;
2. An agreement between the Pollution Control Financing Authority of the County of Warren, Oxford, New Jersey and R&L DataCenters, Inc., located at 44 Main Street. P.O. Box 548, Authority of Bloomsbury, County of Hunterdon, State of New Jersey for payroll-related services with the Pollution Control Financing Authority be made part of this resolution by reference and approved and entered into by the Pollution Control Financing Authority Board of the County of Warren subject to approval of Counsel;

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

I HEREBY CERTIFY the above to be a true copy of a motion adopted by the Pollution Control Financing Authority of the County of Warren on the date above mentioned.

Mariann Cliff
Recording Secretary

Approved: 11/20/23

PERSONNEL

Mr. Knittel stated that A-6 would be deferred to executive session, 2024 employee salary discussion.

Mr. Knittel stated that A-7 was informational only 2024 longevity schedule, as of last year, bonuses were eliminated. However, the longevity was kept in place by the Board last year.

Mr. Knittel stated that he had nothing further on personnel other than their committees, on the personnel committee they had Mr. Perez and an open slot, Also, on capital, they have Mr. Orcutt and an empty slot. And then on Finance committee they have Mr. Accetturo and Mr. Larsen. On site operations committee they had Mr. Perez and Mr. Orcutt. So, there were two empty slots.

Mr. Accetturo stated that he would take the capital committee slot.

Mr. Larsen stated that he would take the personnel slot.

Mr. Orcutt stated that he would make a motion approving those two appointments.

Mr. Accetturo 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 if and when they get a new Board member, they can reshuffle the deck.

PRESENTATIONS

Mr. Accetturo stated that there were no presentations.

REPORTS

Mr. Knittel stated there were no reports.

FACILITIES/RECYCLING

Mr. Knittel stated that the odor update was an ongoing item, but, they have made progress on that front. Gas collection from cell 7 was doubled back in mid-October, and they were adding more horizontal collectors as they speak. They have the ability to add up to three horizontal collectors over the next weeks and months as they expand the cell. They have the gas-header plumbed in with well-heads plumbed in and then as they progress to the west, they have horizontal collectors to stay on top of any odor concerns with the new cell.

Mr. Knittel stated that fence-line readings have improved to near zero on the fence-lines during daylight hours, however, during night-time and early-morning readings they still were able to grab one part per billion readings at the fence-line and they want to get that to zero. They were within their

legal limits, however any odor past our fence-line was objectionable to him and to the community. Therefore, they would continue to do anything that they can, to keep the fence-line readings at zero.

Mr. Knittel stated that the west slope cap, there was nothing much more there, it was functioning as intended, the job was done, they have released the retainage funds for that job that finished several months back.

Mr. Knittel stated the update on the permanent closure cap, they do have near 100 % drawings and specs now. They had contemplated about a year ago releasing that to bid at today's meeting, but they were definitely pushing that off at least until December 18th meeting, and that was because of cash flow issues, with receiving reimbursement from the State of New Jersey. The delays for receiving that reimbursement, put us into a tight cash position, however now that that reimbursement from closure funds is starting to roll in, he would anticipate putting the permanent cap out to bid this winter, whether it be at the December or January meeting. It meets their construction schedule, to award it in the early spring or late winter, to get a construction crew out here as soon as weather allows. That could be late March or early April. If anyone has any interest at all to go into any more detail, please request it. They do have drawings and the specs, or they could have the engineer come and present the capping program, he has been in communication with the State of New Jersey about what that cap will look like. How it would be performed, they have already shaped and placed PDM on a lot of the areas to be capped and they were doing everything that they could in-house to get that project ready for construction, early in 2024.

Mr. Knittel stated that they had just mentioned the closure fund disbursement, Request #1 was approved. Request 2 & 3 were still pending, but they did get funds from request #1.

Mr. Knittel stated that cell 7 construction Completion, the engineer sent in the certification report for the last 1/3 of cell 7 and that report was under DEP review. They should have the last 1/3 of cell 7 approved shortly.

Mr. Knittel stated next, the FEMA IDA Drainage Repair Project, the contractor has finished that project on this past Friday, the last item on that project was to do the asphalt top-coat on the road down to the new cell. That was a remnant of the cell 7 project, it was pulled out of that project and put on hold last winter because of unfavorable weather conditions. So now they have the road paved down to the bottom, and the contractor was demobilizing his trailer and his equipment from the site.

Mr. Knittel stated that the next item was leachate hauling, the kiosk that they ordered, (they did not pay for it) they were still waiting for the delivery of that kiosk, there was some kind of supply-chain issue on one small component and this has held that up for several months now. He will provide an update as soon as he hears when that was shipping.

This past summer, July 2023 they had a storm event that was FEMA eligible. The repairs were about 100% finished and they used on-site contractors via change-orders to complete most of those repairs and some of them were repaired in-house. The last item on that storm repair to be done within this calendar year was to hire a vac truck for one or two days to remove all of the small gravel that got into storm basins and piping. That effort from the July storm clean-up was

reimbursable at a percentage of the total cost. That cost share was 75% paid by the Feds, the 25% was paid by us in-house.

Mr. Knittel stated that A-8 was our Waste Disposal Fee Schedule, there were no changes

Mr. Knittel stated A-9 was our Draft 2024 Solid Waste Disposal Pricing Schedule. The changes were in red, you could see the four brackets that were changing. The changes were: the 6,0001 - 10,000 - ton bracket was a \$4.00 increase to \$71.00; the 10,001 – 14,000 goes up \$4.00 to 59.50; the 14,001 – 19,000 goes up \$4.00 to \$58.00; and the 19,001 – 23,000 goes up \$4.00 to \$57.00. There was a reduction in that last tier, that tier used to go up to 25,000 they have reduced it to 23,000. They do not want to accept more than 23,000 from each of the 5 large haulers, to restrict tonnage, to make sure that they do last for forty-years here as the County plan dictates. Mr. Knittel asked if there was any discussion adopting A-9 since they would need a resolution adopting that schedule.

Mr. Accetturo stated that he would make the motion to adopt the new schedule R-11-06-23. 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. Accetturo* seconded by *Mr. Orcutt*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *November 20, 2023*.

RESOLUTION
R-11-06-23
AUTHORIZING THE PROPOSED
2024 SOLID WASTE DISPOSAL PRICING SCHEDULE

WHEREAS, the Pollution Control Financing Authority of Warren County has a need to implement disposal rates for the Warren County District Landfill.

NOW THEREFORE, BE IT RESOLVED that the Pollution Control Financing Authority of Warren County after review and discussion approves said 2024 Solid Waste Disposal Pricing Schedule, (attached hereto as A-9).

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

Mr. Orcutt -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

Dated: 11/20/23

Mr. Knittel stated that A-10, A-11 & A-12 were all of their recycling programs, electronics, tire and single stream, he has nothing new to report on those three programs, they were going fine.

Mr. Knittel stated that A-13 was a 2024 Draft Holiday Schedule. At the last Board meeting, they were informed by the Board, that they did not have to follow the County's holiday schedule. Mr. Knittel stated that they did basically follow the County schedule with a few exceptions. The two changes would be to have the landfill closed for the entirety of Christmas eve and New Years eve instead of being open partial days. It provides for the employees to be home with their families. Those were the two main changes on the Holiday schedule.

A very lengthy discussion ensued regarding the holidays that the landfill was open, while the office was closed. Also, discussed was the fact that the employees that did have to work because the landfill was open, were getting time and a half. It was further discussed, that closing on Christmas eve would give the employees time with family.

The discussion went back and forth with discussion for closing, and for staying open.

Mr. Tipton interjected and stated that, unfortunately he had to leave and wanted to give his report before leaving. Russell Reid had retained counsel, they did not give a response yet, but did say that they would give a response by the end of the month. The good thing was, that they were taking their letter seriously. But he would not have anything for them at today's meeting. He believes that was the only other thing that he had outstanding. Unless the Board had any specific questions, he had already spoken with Mr. Knittel and Mrs. Banghart about the executive session items and he could be reached by phone if anything else came up.

Mr. Tipton left the Boardroom at approximately 11:01 am.

The Chairman led the discussion back up regarding whether or not the PCFA should be closed on New Years Eve and Christmas Eve. Mr. Perez stated that he had no problem closing on Christmas eve. Mr. Accetturo stated that he did not have a problem with Christmas eve but he did have a problem with New Years eve.

After another lengthy discussion back and forth, there was a consensus between Board members that New Year's Eve would be open until 11:00 and on Christmas eve the Director could do whatever he sees fit.

Then more talk ensued until Mr. Perez finally made a motion to close at 11:00 on at least Christmas eve. Then more discussion ensued regarding whether or not they should. Then again, the Board stated that they would leave it up to the Director to choose whether to stay open or closed.

Finally, after much discussion Mr. Accetturo stated that they should carry on the way it has always been done. Do not close the facility down, keep it the way it has always been, move on.

Mr. Larsen asked if they need a resolution. Mrs. Banghart replied that they do.

Mr. Larsen stated that he would make a motion to adopt the 2024 Holiday schedule as discussed.

Mr. Perez stated that he would second the motion.

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

EXECUTIVE SESSION

Mr. Knittel stated that there was one item for Executive session.

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

Mr. Orcutt 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 11:15am.

RESOLUTION

R-11-08-23

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. Larsen

Seconded By: Mr. Orcutt

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.

Recording Secretary
Mariann Cliff

Dated:

*****Executive session ended approximately 11:55am.***

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 11:56am.

Mr. Accetturo stated that now they were out of Executive session did they need to discuss anything in public?

Mr. Knittel stated that he would like to request that we have a holiday party on December 16th at 6:00 pm. If the Board allows, it would be for \$30.00 per plate and the Board was invited as guests. There were not doing gift baskets this year unless the Board gives approval.

Mr. Accetturo asked if it was \$30.00 per plate for everyone. Mr. Knittel replied yes it was for everyone and it was in the budget.

Mr. Accetturo asked again what date it was. Mrs. Banghart replied that it was December 16th, a Saturday night at 6:00 pm. Also, if the Board could email by Wednesday how many were attending, that would be great.

Mrs. Banghart stated that she would send an email reminder out later.

ADJOURNMENT

Mr. Orcutt stated that he would make a motion to adjourn, seconded by Mr. Accetturo.

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

*****Meeting was adjourned at approximately 11:58 AM***

Respectfully submitted by:

Mariann Cliff
Recording Secretary

Approved: