

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

January 22, 2024

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:41 am.

Authority Members present: Angelo Accetturo, Rob Larsen, Walter Orcutt, and Dan Perez (via phone).

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 January 22, 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.”

MINUTES

Mr. Accetturo asked if there was a motion for M-1 the Regular monthly meeting minutes from December 18, 2023.

Mr. Orcutt made a motion to approve the Regular Monthly Meeting Minutes from December 18, 2023, seconded by Mr. Larsen.

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 December 18, 2023.

Mr. Orcutt made a motion to approve the Executive Monthly Meeting Minutes from December 18, 2023, seconded by Mr. Accetturo.

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

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.

Mrs. Banghart stated that the finances were doing good, they have no issues or concerns at this time, they ended up in the positive at the end of 2023. They have no issues with the haulers at this time and all haulers have signed the 2024 contracts.

Mr. Larsen replied, with the exception of Lemcor?

Mrs. Banghart stated that they all signed. Mr. Larsen replied, he did too? Mrs. Banghart replied yes.

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

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

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. Orcutt*, seconded by *Mr. Larsen*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *January 22, 2024*.

RESOLUTION
R-01-01-24
To Pay Bills – January 22, 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 **\$983,112.26** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *22nd day of January, 2024*.

Mariann Cliff
Recording Secretary

Jonathan Knittel
Director of Operations

Approved: 01/22/24

Mr. Accetturo stated that A-2 was the 2023 Budget Transfer Forms for Approval.

Mrs. Banghart stated that it was just a few lines that they needed approval from the Board and that would end 2023.

Mr. Accetturo stated that they need a motion to approve these budget transfers.

Mr. Orcutt stated that he would make a motion for approval.

Mr. Larsen stated that he would second the motion.

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

PERSONNEL

Mr. Accetturo stated that up next was personnel with Mr. Knittel.

Mr. Knittel stated that he had a question for Mr. Tipton regarding the letter that they had reviewed earlier, whether or not that would go here in the public meeting?

Mr. Tipton replied that at this point, it was a public document so he could raise it up now or reserve to explain it in more detail in executive. Mr. Knittel replied ok.

Mr. Knittel stated that he would bring it up now, it was pretty self-explanatory. They have an employee that has not shown up for work on multiple occasions and they have a letter drafted to be sent out as certified mail today. To clarify that his no-shows are, in the opinion of the PCFA an abandonment of his position and that he has effectively quit his job. With that they would attach forms and instructions for claiming unemployment benefits and for any Cobra – continuation of coverage, as is required. There were copies of this here if anyone would like to review it. If any more detail was required they would defer to executive session.

Mr. Accetturo asked if there were anything else in personnel. Mr. Knittel replied no.

PRESENTATIONS

Mr. Accetturo stated that there were no presentations.

REPORTS

Mr. Knittel stated there were no reports.

FACILITIES/RECYCLING

Mr. Accetturo stated that Mr. Knittel now had the Facilities and Recycling.

Mr. Knittel stated that on the odor issue update, with December's rain they had quite a bit of leachate in cell 7.

They since had gotten rid of all of that liquid out of cell 7, and they continue to add a little more ash and soils than they normally would use to cover trash. They also did snow inspections of the entire cell looking for hot-spots. Any gas emanating from any spot that they were not aware of would melt snow. They found one spot up on an area that had more of the blanket stone that was used to construct the cell. The gas was migrating to the west and was getting out of that stone. They placed some plastic and soil on that area where the gas was getting out. However, when you do that, it would generally make the gas want to go somewhere else. So, they were going to continue to install more horizontals, they have the piping already built and constructed on-site and they would send a notification out to the local Mayor when they were ready to dig that trench. They were hoping to dig it in the middle of this week weather dependent. During that one day of excavation, they may generate a little nuisance odor but as they install more horizontals, they then pull more and more gas out of the cell and into the collection system. That was it for the odor update.

Mr. Accetturo asked if that was budgeted for.

Mr. Knittel replied yes, they have a gas engineering and installation budget. In a normal year, as in years past when they had no odor issues it may have been \$20,000.00 to \$30,000.00, this year they have it a bit over \$100,000.00. this is to make sure that they have enough funds to get ahead of this odor issue. Hopefully that budget line can return to a more historical normal in the near future. But for this year, there was a significant amount in the budget to make sure that the odor does not get past the fence line of our property. If there was a need to increase that budget, there were ways to go about that.

Mr. Knittel asked if there were there any questions on the odor updates.

Mr. Knittel stated that one of the key points they noticed with odor, was to keep all of the leachate pumped out of the cell. So now, they have the pumps set at the pump-house in auto mode to make sure that the level of leachate was kept at a very lowest amount possible. They were able to pull more gas, and they noticed less odors when they have the leachate pumped as low as possible.

Mr. Knittel stated that he would move on to the permanent closure cap update, he has a handout that was just informational but it goes through line-by-line the closure cap project for this summer. It was the draft timeline that begins January 30th, they have a call with the NJDEP to discuss closure funding disbursement. Then, it goes through when they anticipate it being authorized to go out to bid, which would be at next month's meeting on February 26th. After that, it would go out to bid, March and April. At the April 22nd Board meeting would be when they anticipate awarding the contract and then with the notice to proceed of May 1st.

After May 1st, there was just some bullets of how they would use their cash-on-hand to pay out-of-pocket for the first few months of the project, and then the DEP's releasing of money would start rolling in around the third or fourth month.

So, because they would be floating some cash for the project, they were going to discuss this in more detail with the DEP. As they float more and more months of construction, their cash balance could go to zero after about five months. This said, they only have about three months available cash flow for the project. They need to make sure that the DEP was on-board, preferably to distribute the cash into a secure bank account for that project up-front, this was what they were going to be asking them. That way they would have cash-on-hand and would not have to float any money and use closure funds only. That was what they were hoping to get out of the meeting with the DEP. They will see how that

goes, and then he would update the Board mid-month how that meeting went. That way they would be prepared and on-track for the February 26th meeting.

Mr. Perez stated that he had a question, he knows that this year the money was going to be very tight because of the way everything was set-up. So, was this coming from our budget this year? Did they already have this allocated within our funds for this?

Mr. Knittel replied no, their yearly appropriations and revenue budget cannot handle a ten-million-dollar capping project. So, that money had to be closure funds, however because of the way the DEP was set-up, you must ask for closure funds after you pay the bill. And they have been taking upwards of 3 to 6 months. For a small job, most landfills were just floating that cash, and then getting reimbursed. But for a ten-million-dollar job, they need to negotiate with the DEP because to float ten-million-dollars of construction money was not reasonable. Specifically, when they only have roughly five-million on-hand available for that type of project.

This was something that affects all 11 landfills in New Jersey, not just us. Because more and more of these landfills were getting close to closing certain cells. A lot of the 11 landfills, while having plenty of closure funds, as we do, don't have enough liquid cash in their regular bank accounts to float that kind of money waiting for the DEP approval.

Mr. Knittel continued and stated that they were going to try to change that approval process, and get it to when a bid was awarded and it was signed and sealed by an engineer, that the DEP would release a major portion of that closure funds or at least release it in draws, up-front. That way landfills do not need to float the entire construction loan.

Mr. Perez replied, ok, he got it, thanks.

Mr. Knittel stated that cell 7 construction completion, the last check was actually in this package to be sent out. It is being held though, until the construction trailer was off their property. It was our only leverage to make them remove that trailer, so they do have a check in this set of bills that officially closes out cell 7, and, they will send it when that trailer was removed.

FEMA Drainage and A.C.O. project was complete the last check was also ready to be sent out, pending an as-built survey from the contractor. The engineer will notify them as soon as she has it complete.

Mr. Knittel stated that A-3 was the 2024 / 2025 draft furnishing contractor services for Household Hazardous Waste Collection.

In committee this morning upstairs, they were able to discuss A-3. They do get some funds back from a recycling enhancement act, however, the estimate for the amount that they were going to receive for recycling was enough to cover one event, not two. Each event was about \$40,000.00 per event, and they generally have about 300 vehicles come to each of the Spring and Fall event. Therefore, in A-3 they were proposing to only host one event for 2024 instead of two events.

They could assess how that goes, how the community handles one event versus two.

The goal was to keep hazardous waste out of the landfill, if they went to zero events that would mean the people would be more likely to throw hazardous waste away improperly, so they definitely want to have events. But the car numbers have dropped from historical levels 500 to 600 vehicles down to 300 for the last couple years. They do have the print-out that shows the last six years of history, on

average it has been around 300 per event. So, with the numbers dropping they were going to ask for consideration to put A-3 out to bid for one event in 2024. Then they could assess that, and see how it goes.

A discussion ensued on how the event was going to be advertised to the community and municipalities to make this event as successful as possible. Talk of how it gets to social media was also discussed. It was speculated that it would hit Facebook from almost half of the townships.

Mr. Knittel stated that if there were any serious concerns, they could postpone it for another month, since they could host the event at any time of the year.

Mrs. Banghart stated that the bid sheets, A-3 were also reviewed by Counsel.

Mr. Knittel asked if anyone had any questions or thoughts on A-3.

All board members discussed and replied that they were good with trying only one event for 2024.

Mrs. Banghart and Mr. Knittel stated that they needed a motion.

Mr. Accetturo stated that they needed a motion on, Furnishing Contractor Services for Household Hazardous Waste Collection.

Mr. Orcutt stated that he would make the motion to approve.

Mr. Perez stated that he would second the motion.

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

Mr. Knittel stated next A-4 the Waste Disposal Fee Schedule was updated with new changes in red for contractors and townships that have agreed to hauling for 2024.

Mr. Orcutt asked if they had Blirstown.

A quick discussion began on who was approved or not approved, and who signed contracts and who did not.

The Chairman then handed back to Mrs. Banghart the packet of returned contracts that required his signature.

Mr. Knittel asked if there was any conversation with any other township that may want to have a contract.

Mr. Larsen replied that he had spoken to Phillipsburg who was very interested, and he had given them some information on pricing. They had told him that they would speak to the mayor and get back to them.

Mr. Knittel replied that they would wait to hear back on that.

Mr. Knittel stated that up next was A-5, A-6 and A-7 were their recycling programs, there were no updates on that.

Mrs. Banghart brought up Total Wrecking who was going to be working at Covanta.

Mr. Knittel stated yes, so on A-4, they have a new vendor that wants to haul 0 – 1000 tons, it was a company call Total Wrecking and Environmental. They were the contractor that was doing the demolition work at Covanta. Instead of them paying the gate rate of \$99.00, they were asking to fill out an application to be a hauler at 0 – 1000 tons at a rate of \$87.00. this was the time of year to add them and they needed to have a contractual discussion regarding this in Executive session.

Mr. Knittel stated that A-8 was the Draft Meeting Schedule and that was the last item. This was adjusted for Thanksgiving and Christmas to allow time for the Holiday. Mr. Knittel asked Mrs. Banghart if they needed a motion for the Draft Meeting Schedule. Mrs. Banghart replied yes.

Mr. Orcutt stated that he would make a motion to approve A-8.
Mr. Larsen stated that he would second the motion.

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

A-8

**POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY**

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Jonathan Knittel
Director

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2024 MEETING SCHEDULE

January 22 rd	9:30 AM	July 22 th	9:30 AM
February 26 th	9:30 AM	August 26 th	9:30 AM
March 25 th	9:30 AM	September 23 th	9:30 AM
April 22 th	9:30 AM	October 28 rd	9:30 AM

May 20nd 9:30 AM *November 18th 9:30 AM
June 24th 9:30 AM **December 16th 9:30 AM

2024

January 27, 2025 9:30 AM *February 24, 2025* 9:30 AM

*Regular meetings will be held
the fourth Monday of the Month,
unless noted by * above, at the
PCFA Administration Building
Lower Level Meeting Room
500 Mt. Pisgah Avenue
Oxford, New Jersey 07863-0587*

**November 18th meeting will be held on the 3rd Monday.*
***December 16th meeting will be on the 3rd Monday.*

(If additional meetings or changes are necessary, notification will be forthcoming).

GENERAL COUNSEL

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

Mr. Tipton replied that he only needed to know the Boards availability for the Russell Reid meeting.

A quick discussion ensued on when the meeting could take place and who would be available when.

Mr. Tipton stated that he would get back to the Board with dates and times.

OTHER BUSINESS

Mr. Accetturo asked if there were any other business.

Mr. Orcutt asked Mr. Knittel if he was overseeing the Covanta demolition project or if the County had taken it.

Mr. Knittel replied that he would need to verify his exact role in this. The County has hired Mott MacDonald for quality control to do the oversight.

Mr. Knittel believes that the idea was, that he would be doing some spot checking. In other words when they bring 0 - 400 tons to make sure that the 400 tons was not anything that should not be

coming here. For example, no liquids or hazardous waste. The good thing was that the inspector that was working for the County, was also familiar to us, therefore he was already going to be looking out, not just for the County's interest but he would be watching that what goes into the trucks, was proper to go to a solid waste landfill.

Mr. Knittel stated with that said, he does think that random spot-checks would be sufficient for the PCFA but, he thinks he would need more clarification from the County, he was not sure.

A discussion continued regarding who was overseeing the demolition project and if that was sufficient enough to cover the PCFA also. It was brought up that it was the County that had the final say, since it was their property. The PCFA did not have any say on what was going to happen with the property, it was the County's.

The other thing discussed was if they need to have spot checks, and the fact that there were areas in Covanta that had certain materials that PCFA may not be able to accept.

They also discussed how the new contractor will handle each type of material that was present at Covanta. Also, if the PCFA can demand testing of any material, it was said that yes, the PCFA could ask for a sampling, or letter from the LSRP stating why the material was allowed to come here.

Mr. Accetturo stated that the director should write a letter that explains that part of the acceptance of the rate to this company, was that the materials would be guaranteed clean and therefore the PCFA was willing to take it. Then copy that letter to the County and Mott MacDonald so everyone was aware and on-board.

Another point of discussion was that, if they, the PCFA, knows where the C&D was coming from, they do have the ability to stop by the site and make sure there was nothing untoward going on, such as crushing up oil tanks. They also can spot check if they know where the C&D was coming from even though they typically do not do that. It was also part of the job that Mott MacDonald was hired for.

CLOSING PUBLIC COMMENTS

Mr. Accetturo asked if there were any closing public 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 10:12 am.

RESOLUTION

R-01-02-24

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.

Recording Secretary
Mariann Cliff

Dated:

*****Executive session ended approximately 10:24 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 10:24 am.

Mr. Accetturo stated that now they were out of Executive session they would need a motion on the Rock truck.

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

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 asked Mr. Knittel to please keep the capital committee apprised of what Hoffman or Foley would be pitching to PCFA so that they have some ideas.

Mr. Knittel agreed and said that he would get some quotes.

There was a quick discussion on what was expected of the Director in order to obtain a Rock truck from either Hoffman or Foley.

ADJOURNMENT

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

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

Mr. Accetturo 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 10:25 am***

Respectfully submitted by:

Mariann Cliff
Recording Secretary

Approved: