

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

November 15, 2021

Chairman Angelo Accetturo called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:35 AM.

Authority Members present: Richard Mach (via phone), Dan Perez, and Angelo Accetturo.

Mr. Accetturo asked to call the Monday November 15, 2021 PCFA meeting to order, please call the roll.

ROLL CALL:	Mr. Larsen	-	Absent
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Present
	Mr. Perez	-	Present
	Mr. Accetturo	-	Present

Also present: Brian Tipton, General Counsel; Pat Radomsky, Mott MacDonald; Brian Henning, Mott MacDonald; Dave Heber, Mott MacDonald; Jonathan Knittel, Director of Operations; Jamie Banghart, Administrative Supervisor, and Michelle Connors, Recording Secretary.

The Pledge of Allegiance was led by Chairman Accetturo.

Mr. Accetturo read the following statement: "Adequate notice of this meeting of November 15<sup>th</sup> 2021 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 25, 2021.

**Mr. Perez** made a motion to approve the Regular Monthly Meeting Minutes from October 25, 2021, seconded by **Mr. Accetturo**.

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes  
Mr. Accetturo - Yes

Mr. Accetturo asked if there was a motion for M-2 the Executive Session meeting minutes from October 25, 2021.

**Mr. Perez made** a motion to approve the Executive Session Minutes from October 25, 2021, seconded by **Mr. Accetturo**.

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes  
Mr. Accetturo - Yes

Mr. Accetturo asked if there was a motion for M-3 the Special monthly meeting minutes from November 3, 2021.

**Mr. Perez made** a motion to approve the Special Monthly Meeting Minutes from November 3, 2021, seconded by **Mr. Accetturo**.

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes  
Mr. Accetturo - Yes

Mr. Accetturo asked if there was a motion for M-4 the Executive Session meeting minutes from the Special meeting November 3, 2021.

**Mr. Perez made** a motion to approve the Executive Session Minutes from the Special meeting November 3, 2021, seconded by **Mr. Accetturo**.

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes  
Mr. Accetturo - Yes

CORRESPONDENCE

Mr. Accetturo asked Mr. Knittel if there were any correspondence. Mr. Knittel replied no.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

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

FINANCE

**A-1**

Mr. Accetturo stated since there were no public comments they would move on to Finance with Mr. Knittel.

Mr. Knittel stated the proposed budget was Board approved last month with the conditions that they remove the ash and remove the White Township host fees. Mr. Knittel stated that he did so with the revised budget. This was A-3, which was one of the financial items that they were looking at.

Mr. Knittel stated that Mrs. Banghart has her normal monthly financial statement, which was A-2.

Mrs. Banghart stated that it was revised because of the cash balances were not entered in. but everything was the same. Mrs. Banghart stated that they have the resolution to pay bills.

Mr. Accetturo asked if there was there a motion on the resolution R-11-15-21 to pay bills

Mr. Perez stated that he would make the motion.

Mr. Accetturo stated that he would make a second.

ROLL CALL:	Mr. Larsen	-	Absent
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	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 15, 2021.*

**RESOLUTION**

**R-11-02-21**

**To Pay Bills – November 15, 2021**

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	-	Absent
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

We hereby certify Resolution to Pay Bills in the amount of **\$ 1,523,888.79** to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *15<sup>th</sup> day of November, 2021.*

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Mariann Cliff  
Recording Secretary

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Jonathan Knittel  
Director of Operations

Approved: 11/15/21

PERSONNEL

Mr. Accetturo stated they would move on to personnel.

Mr. Knittel stated that he did not have anything to present on personnel.

## PRESENTATIONS

Mr. Accetturo asked if there were any presentations.

## REPORTS

Mr. Accetturo asked if there were any reports.

Mr. Perez stated that he had a question on personnel, he was not sure if that was the correct place to bring it up.

Mr. Perez stated that he was talking to Mr. Knittel about possibly working with him on salaries and some of the other things pertaining to the PCFA. Before he goes down to talk with him he wanted to get approval from the Board if that was ok to go ahead and work with him.

Mr. Accetturo stated that they could have a subcommittee on that with two Board members present without violating any sunshine laws. At the last meeting, they talked about forming such a committee to discuss that, so Mr. Perez was one volunteer. Would anyone else want to be involved in that?

Mr. Accetturo does not have any problem with that, he does not know of anyone else that wants to be involved with it. Mr. Accetturo stated that he did not have a problem with it.

Mr. Knittel replied, very well. Mr. Knittel stated that they would proceed with that within the week because they would like to have that finalized before meeting next month. Next month's meeting would be the last chance to finalize anything prior to the New Year.

Mr. Accetturo replied ok.

Mr. Perez replied thank you.

## FACILITIES/RECYCLING

Mr. Accetturo stated that they received a bid for the aerial topography. There was quite a swing in prices.

Mr. Knittel replied yes there was quite a variance, however the winning bid was the same as last year which was good news.

Mr. Accetturo asked if it was the same company.

Mr. Knittel replied that it was. Mrs. Banghart stated that they have had this company for at least five years now or more.

Mr. Knittel stated that one reason they said that their bid was the same is because he has all of the legwork already done. For someone new, they would have to develop layers and go through the process.

Mr. Accetturo asked if there was motion on A-4 to award the bid to Robinsons Aerial Surveys for 2022.

Mr. Mach stated that he would make the motion.

Mr. Perez stated that he would second the motion.

ROLL CALL:     Mr. Larsen             -     Absent  
                  Mr. Lazorisak          -     Absent  
                  Mr. Mach                   -     Yes  
                  Mr. Perez                   -     Yes  
                  Mr. Accetturo           -     Yes

Mr. Accetturo asked Mr. Knittel to take over with Landfill Operations.

Mr. Knittel stated that leachate was still the favorite topic in the budget and in the operations. They were making progress lowering the levels in the lagoons and in the tank. They were still on track for Atlantic lining to replace the tank liner in the first full week of December. They received the submittal on the materials and QC documents. That was reviewed and accepted by Mott MacDonald. They would be doing the QC for that five-day installation. They looked at bypassing leachate from that area so it was not a hindrance to the workers and they think that they have a plan in place to handle that.

Mr. Knittel stated that they would implement that plan prior to December 6<sup>th</sup>. Mr. Knittel stated that as far as tonnage, September tonnage was much higher than October but October was still a good month coming into the facility. Mr. Knittel stated that they used the Board authorized letters to increase their four top haulers. They sent letters out to the four haulers, they immediately received two responses back, one from NTI, and the other was Gaeta. They have had them sign and would need the Boards signatures today to complete their hauling revision. Mr. Knittel stated that that increases their tonnage through the end of February by three thousand tons. Even though construction may or may not be complete at March, they do have the extra space to put the tonnage in the current cell. Therefore, they were able to slightly increase their four haulers, that was good news financially speaking and to the haulers, who have been begging them to give them some relief on the tonnage restrictions. Mr. Knittel stated that the tonnage restrictions as the Board was aware, was because of the real or perceived delays with construction.

Mr. Accetturo asked if Mr. Knittel needed motions on NTI or Gaeta. Mrs. Banghart stated that the Board approved it last week, they just needed them to sign them. Mr. Knittel stated that they only needed a signature.

Mr. Knittel stated that they continue to make some progress on remedial measures that the State has laid out. They have not heard back from Mrs. Bombace this week as far as her status, he did know that she was in progress of finalizing the administrative consent order, so he would check in with her later today to see if she needs anything else from us.

Mr. Knittel stated that other than that, brush mowing was one of the remedial measures and they could use their current landscaper on a T&M basis to start some brush removal that was on flatter ground. However, the steep slope brush mowing would probably have to wait until January next year when he may ask for a capital investment in a steep slope brush mower. That would be a remote controlled machine, Garden State Bob Cat has one in stock and he was going to try to get it there in December

as a rental for a week or two to make sure it performs like they anticipate. If it performs well in December, then in January perhaps would be when they would look to either purchase or lease a steep slope brush mower so they could knock out about thirty acres of heavy brush. The State wants that gone sooner than later so they could inspect the upper slopes more thoroughly. Then that would take care of one of the big items on their remediation schedule.

Mr. Knittel stated that as for construction progress, the contractor has placed fabric, drainage, and the subgrade stabilization stone was probably at about 80 %.

Mr. Radomsky replied that it was complete, they were pushing it around a bit but all of the stone that needs to be there was there.

Mr. Knittel stated ok the volume was there, now they were just doing the grading and then there was some discussion on the compaction of that stone. Whether the steep slopes would be able to be compacted or if that would only be tracked in. so that was one issue that was sort of out on the table.

Mr. Knittel stated that he knew that Tomco had requested a phone call later today to discuss that.

Mr. Radomsky stated that they already had a conversation with Cornerstone.

Mr. Knittel asked Mr. Radomsky what Cornerstone said about the compaction on steep slopes.

Mr. Heber stated that it was difficult. It requires special equipment. It would be ok with Tomco tracking it in but the low ground pressure dozers that they have was not going to do the trick. Therefore, they would let Tomco know that they have to do something and how they do that, would be left up to them. Mr. Knittel replied ok.

Mr. Heber stated that it was not impossible, it could be done.

Mr. Knittel stated that he did not want to speak for Mott MacDonald but there was a sub-grade stabilization drainage layer that drains to a 6-inch pipe he believes goes underneath the embankment out to the pond. During Friday's rain event, it was carrying soils, which they know are not from the cell area because that was covered in fabric and stone.

Mr. Knittel stated that he presumes the soil discharge from that pipe was remnant soil deposition.

Mr. Radomsky replied that the pipe soaked it up. Mr. Knittel stated that it was flowing but it still was flowing turbid so they had to keep an eye on that to make sure it was either cleaned or self-cleans or jet washed out.

Mr. Radomsky stated that it could be tested. They stated that it probably accumulated sediment in the structure at the end. So it could be running clear but it was getting that turbidity from the structure.

Mr. Knittel replied ok. Mr. Radomsky stated that he thought that was a good point, there could be accumulated silt in there. It was running pretty good the other day, they would verify that.

Mr. Heber stated that they would make sure that all of that sediment was out of the pipe because once they start putting the liner down there was not going to be as much flow as it was seeing right now when it rains. Mr. Heber stated that now was their chance to get it out of there if indeed it was in there.

Mr. Knittel replied ok, and one other observation that he had out in the field that he did not get a chance to talk about, the next structure to the right if you were looking towards the pond, it has a very large gabion mattress in a V shape. There was quite deep erosion scour on either side of the mattress, take a look at that and figure out if they need to make any changes to that in the field or if it was just a matter of backfilling and getting grass to grow right up to the mattress.

Mr. Radomsky replied that the fabric extends beyond the Reno mattress, there was some stone on top of the fabric but as soon as you get off the stone, there is a lot of scour. The intent was to re-grade that area. Mr. Knittel replied very well.

Mr. Knittel stated that they had not made any progress in the last couple of weeks on the solar field. They do have the pipe on-site. The only delay right now was Tomco was using their main crew for welding as soon as they are finished they will jump back on to the solar field.

Mr. Knittel stated that he does not believe that they needed anything from them. Mott MacDonald did a cross section and gave them the elevations the inverts of the pipe, so it was a matter of that crew freeing up and as soon as that happens, they want to press them immediately to get into that solar field. This without their perception or reality that the PCFA was delaying them from their other work. It would be preferable to have a completely separate crew and he does not want them to have a claim to say that they made them jump onto the solar pipe for three days and that delayed them by three days in another spot. Other than that, the solar field was a priority they have had a couple of good rainstorms over the last week or so and they did activate a gas powered pump down by Len Artigliere's house. Moreover, that gas pump, pumps water coming down the lane it intercepts it prior to his driveway and pumps it back to the basin in the woods. That prevented them from having any notices of violation for turbid water going past Mr. Artigliere's house.

Mr. Knittel stated that the pump was a simple 3-inch gas pump but it takes manpower and effort so he has been tracking that effort and just letting the Board know that there was a file of effort for stormwater control that he personally believes should technically be Tomco's responsibility. However, if he leaves it up to them they we would have a stack of N.O.V.'s.

Mr. Knittel stated that to prevent that stack of N.O.V's that ultimately comes to the PCFA along with the potential fines he was proactively spending some time and money in stormwater mitigation. Perhaps they keep these in a file and use it as evidence that they were trying to work as a team together. Show it to them at the end. Mr. Knittel stated that he just wanted to let the Board know, it was not an exorbitant amount of money. The solar field pipe was the most expensive part and they estimate that to be a two to three day effort on T & M using our own pipe. Therefore, that could be an expense in the range of \$10,000.00 to \$20,000.00. However, that permanent feature would serve both Tomco and us. Tomco in the short run but serves the PCFA in the long run. Mr. Knittel stated that he believes that it would be money well spent in stormwater control. They would still have a huge stockpile left at the end of the job, once Tomco was complete and that they would have to handle that stormwater. Mr. Knittel stated that that wraps up operations, then asked if anyone had anything on construction?

Mr. Heber asked if they would like Mott MacDonald to give an overall update here or in Executive. Mr. Knittel replied that they could wait until they got into the Executive session if they had anything else to add.

Mr. Heber stated that he was just going to give an update on how they have altered their schedule a little bit. Now focusing on a more critical path to complete the job based on the reduced scope. They were moving now and it was looking a lot different out there. Just because some of those things are not the critical path right now, they were trying to stay on top of them and make sure that they keep moving so that they are ready to go. In addition, they do not become things that delay the project come this spring.

Mr. Knittel stated that his comment on that was that they did authorize them to use up to \$104,000.00 from pay item line 61 for weather resistant material. They have not bought any of that material other than some DGA for the current top of the MSE wall. Mr. Knittel stated that his concern was that they



could have bad weather soon, snow flurries were forecasted for the next few days. He has not heard that they have procured a source or testing on any RCA or any other materials. Mr. Knittel stated that he would be sending an email later today letting them know what he had found from local sources and the prices that he found. He would ask them then what they had found and if they would bring a small pile in as a contingency. Mr. Knittel stated that his concern was that if the weather turns suddenly, Tomco would throw their hands up and say that they did not have anything. Mr. Knittel stated that it was not PCFA that needs to do anything at this point, it should be up to Tomco to procure their own weather resistant material. There has been some good weather recently, they could be crushing to make their own pile of weather resistant material. Though they had not seen them do that in the last week or so.

Mr. Heber stated that Tomco had not made any ground on accumulating a stockpile of material with the good weather that they have had. Whatever they have been processing they have used immediately. So yes, they were still no further along with having material ready to go for that east access road. That was still something that has to be ironed out.

Mr. Knittel replied ok.

Mr. Radomsky stated that there was a significant amount of work to be done on the roadway and the south access road.

Mr. Knittel replied that maybe they would get a joint email or he would get an email out today just to ask Tomco what the status was on the weather resistant material. With that in mind, they did have the special meeting where they ironed out the reduced, reduced scope. They have that documented in meeting minutes and in an email informally but there was no formal contract. There was not really a change order that anyone was signing so he asked Mott MacDonald to stay after the meeting today and they would send an email documenting that the meeting minutes were available, the special meeting happened and this was what was said and agreed upon. Specially the weather resistant material that was not there yet. They would send that email and have them acknowledge or respond to it. Just to tie the loop because they do not have a reduced, reduced cell written contract. It feels like they were proceeding, he heard what Mr. Heber said and he agrees with him. They seem to be proceeding as if it were a 100% on track, and they were building. But just legally he would like to make sure that they have something in their hand that says that this was what PCFA relieved Tomco of LD's and such, and this was what Tomco relieved PCFA of, getting rid of the change order and getting rid of the V notch, and different things like that.

Mr. Knittel stated that he would like to formalize that today, they would sleep a little better at night knowing that everyone was protected both Tomco and the PCFA.

Mr. Heber stated yes something in writing that they sign then it would go before the Board and they would sign off on it as well, just like any other change order. This would be a change in scope and time.

Mr. Accetturo stated that he sees the point they were making, but this was already approved.

Mr. Knittel replied yes it was already approved.

Mr. Henning stated that they needed a paper trail.

Mr. Knittel stated they need something to close the loop.

Mr. Knittel stated that that was all he had on construction.

GENERAL COUNSEL'S REPORT

Mr. Accetturo asked for the General Counsel’s report.  
Mr. Tipton replied that there was nothing for public session.

OTHER

Mr. Accetturo asked if there was any other business.

Closing Public Comments

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

PRESS COMMENTS & QUESTIONS

Mr. Accetturo asked if there was anything else, any comments.

EXECUTIVE SESSION

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

Mr. Perez stated that he would make the motion.  
Mr. Mach stated that he would second the motion.

ROLL CALL:	Mr. Larsen	-	Absent
	Mr. Lazorisak	-	Absent
	Mr. Mach	-	Yes
	Mr. Perez	-	Yes
	Mr. Accetturo	-	Yes

***\*\*Executive session started approximately 10:01 AM***

***\*\*Dave Heber, Brian Henning and Pat Radomsky from Mott MacDonald left the Boardroom at approximately 10:16 AM***

***\*\*Executive session ended approximately 10:54 AM***

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

Mr. Mach stated that he would make the motion.  
Mr. Perez stated that he would second the motion.

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

Mr. Perez - Yes  
Mr. Accetturo - Yes

Mr. Accetturo stated that for the record they discussed contractual matters, then asked Mr. Tipton to sum up what was talked about. In addition, do they need a simple motion? Mr. Tipton stated that yes they do need a motion to authorize himself to consummate the settlement agreement with Covanta on the terms that they previously discussed and agreed to. Mr. Tipton stated then he would prepare and agreement with them that they should have in a final format for approval for their next meeting. Also the possibility of a special meeting if they decide that they would want to do it that way.

Mr. Accetturo stated that if there was any sticking points, like the well they still have another vote.

Mr. Tipton replied that yes there will still be one final vote coming so they really do not necessarily need a full approval because there will be little details that they would have to work out so just a resolution authorizing him to negotiate that deal for a formal vote at the next meeting.

Mr. Accetturo stated that he would make a motion to give Mr. Tipton the ability to formalize their agreement further and they would vote on it at the next meeting.

Mr. Perez stated that he would second the motion.

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes  
Mr. Accetturo - Yes

Mr. Accetturo asked if there was anything else before they adjourn.

## ADJOURNMENT

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

ROLL CALL: Mr. Larsen - Absent  
Mr. Lazorisak - Absent  
Mr. Mach - Yes  
Mr. Perez - Yes

Mr. Accetturo - Yes

***\*\*Meeting was adjourned at approximately 10:57 AM***

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Respectfully submitted by:

Mariann Cliff

Recording Secretary

Approved: December 20, 2021

DRAFT