

POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY

MINUTES OF SPECIAL MEETING

April 5, 2024

Vice Chairman Walter Orcutt called the special monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 10:01 am.

Authority Members present: Walter Orcutt, and Via conference call; Rob Larsen, and Dan Perez.

Mr. Orcutt asked to have the roll called.

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

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

The Pledge of Allegiance was led by Mr. Orcutt.

Mr. Orcutt read the following statement: “Adequate notice of this meeting of April 5, 2024 was given in accordance with the Open Public Meetings Act by forwarding a notice of this special meeting 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.”

FINANCE

Mr. Orcutt stated that this was going to be a quick meeting to get the bills paid since the last scheduled meeting they did not have enough for a quorum.

Mr. Orcutt asked for a motion for resolution R-04-01-24 to pay the bills.

Mr. Larsen stated that he would make the motion.

Mr. Perez stated that he would second the motion.

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

On a motion by *Mr. Larsen*, seconded by *Mr. Perez*, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *April 5, 2024*.

**RESOLUTION**  
**R-04-1-24**  
**To Pay Bills – April 05, 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                 - Absent

We hereby certify Resolution to Pay Bills in the amount of \$756,752.77 to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the *5<sup>th</sup> day of April, 2024*.

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Mariann Cliff  
Recording Secretary

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Jonathan Knittel  
Director of Operations

Approved: 04/05/24

## FACILITIES/RECYCLING

Mr. Orcutt asked Mr. Knittel to give a quick rundown of bid process on the capping and fill them in. Mr. Knittel stated that for the attorney review, Mr. Tipton had a follow up phone call perhaps he could fill us in.

Mr. Tipton stated that he had spoken to the Tomco attorney on Wednesday, he had called him before sending the letter as a courtesy. All the legalities in his letter, were accurate statements of the law. Not very specific to our case other than the fact that it's their position that the way we issued these specs, even with the addendum, they were going to have very few if not any, general contractors that could satisfy the criteria. Again that was his position, it was passed on to him. As lawyers they could not speculate on what contractors were out there and what levels of experience they had. That was more of an engineering roll.

Mr. Tipton asked Mr. Knittel which engineer from Mott MacDonald had walked the bidders through the site?

Mr. Knittel replied that it was Dave Heber from Mott MacDonald.

Mr. Tipton stated that Dave Heber told them that he had nothing to do with the specs and it was the Authority that put the language in there. Therefore he did not have any insight or input on it and nothing to do with the specs.

Mr. Tipton stated that he thought that it was inappropriate for him to say that, because specs were generally guided by a public's entity engineer. So for him to make that statement to whoever was on that walk-around, left them all hanging in a lurch. Because if they ended up in a legal challenge they would be relying on their engineer to say that the specs were sufficient and can be satisfied by multiple contractors.

Mr. Tipton does not know why he said that.

Mr. Knittel stated that he did not know, they were all on the site-walk together. The group did separate by a few feet of distance on portions of the walk but no one that he was aware of ever heard him say that. That would be an unlikely statement because Dave Heber wrote the specs himself.

Mr. Tipton replied that was why he found it to be odd. It was even implied that Mr. Knittel wrote the specs. He was sure that the attorney was not there, and he got it second hand from his people. He did not know if someone said something or not but what that does create was a potential alleged admission against us. Now putting all of that aside, and this was directed to Mr. Knittel, what was the reality of this problem with the specs? Were you hearing the same thing from other contractors, is this just Tomco raising a red flag unnecessarily?

Mr. Knittel replied that he believes we know of at least three contractors that meet all of these requirements that were bidding. They do not know if they would all be responsive bidders or if they were just picking up bid packages. But they do know, as an example Precision, Barbella and Vollers all have the requisite experience. Tomco may not, on the PDM specifically, so they relaxed the

requirement to include clay-like soils. So now Tomco does meet the qualifications for spreading PDM.

The qualification that Tomco currently may not meet was, they have never closed a cell or landfill except for the acre and a half repair that they did on our side-slope this past year. Which they did do successfully in their defense. However the qualification that was generally used for all capping projects was: at least three projects with one of them being 5-acres or more.

Mr. Knittel stated that that was not something that they invented, Dave Heber wrote that himself, he did not. And Mr. Heber wrote that because that was the industry standard to have several projects with one of them being at least 5-acres considering that we are going to be doing 20-acres, you don't want a contractor to come in that has never done cap-work. Tomco has built cells, they built cell-7 and it was a big cell. They did do a repair for us and they did a good job on the repair, so they do have liner experience, but that's a subcontractor. They do have drilling experience, but that's a subcontractor. The fence work, that's another subcontractor. What we are looking for in a general contractor is experience managing capping of a landfill on steep slopes. The PDM was in there but they relaxed that so the only things that we did not relax that Tomco may not meet is doing at least a couple of these jobs and have they done at least 5-acres, and they have not.

Mr. Tipton replied that if Mr. Knittel and Mr. Heber were confident that these were appropriate specs and they were not unreasonably restricted then he says leave it stay as it is. See who bids on it, if Tomco was correct then nobody would bid, and they would go back to the drawing board. Mr. Tipton stated that if at least three contractors that had picked up packages actually bid, then that also shoots Tomco's argument out of the water.

Mr. Tipton stated that if Mr. Knittel and Mr. Heber were confident that they could stand behind the specs, then this was just an allegation, or potential claim. But right now, it was not correct, because they have not yet seen what kind of responses that they're going to get.

Mr. Tipton stated that on the flip-side if they only get one response, they could always go back out to bid to make sure that they have some competition. Therefore at this point, it would be premature to change anything.

Mr. Orcutt stated that Mr. Knittel already indicated that if they do go back out to bid, that they would break it up into phases, so that they could get it done over the course of two years. That would make it more manageable.

Mr. Knittel stated that most contractors thought it was too much to do by the end of this construction season, so the addendum includes stopping for the winter to regroup, and start up again once the weather turned good next year. They would mutually agree upon a start date in the spring. They have that in there because there were concerns about the fact that it was too much work to do in one summer. And yes, they could easily re-bid it and just do this seasons work which would be getting the PDM down and doing the gas work. Then they would actually do the liner work the following season. So they do have an idea of what they could do differently if they have to re-bid.

Mr. Knittel stated that when they initially asked if he were 'comfortable' about that legal letter, he was not. So, what he did was make phone calls to other engineering firms other than Mott MacDonald, to get their opinion. Cornerstone said to stay the course, this was standard language that was in all jobs. They said that they would stay the course if they were me. They stated again, that these types of qualifications were pretty standard.

It appears to everyone else on the outside that that qualification was standard. Mr. Knittel stated that he was comfortable with staying the course and if they have to regroup in a month, then that is what they would do. Mr. Tipton replied ok.

Mr. Knittel stated that he would defer to the three Board members if they wanted to talk about it, it was up to the Board.

Mr. Orcutt replied that they would leave it up to the director.

Mr. Knittel replied ok then they would leave it as it was.

Mr. Orcutt stated that the bids would be read on Friday, and the Board would be meeting on Monday April 22nd so they will have a good understanding of it then.

Mr. Knittel stated that completes the capping report, and asked Mr. Tipton if he had anything else to add to it. Mr. Tipton replied no.

Mrs. Banghart stated that they needed to do A-2 Attorney review of bids received on March 7, 2024 for Hazardous Waste Collection Contract.

Mr. Orcutt stated that they have to decide on the bid for the Hazardous Waste collection contract. It was changed to only one collection this year and everyone saw the paperwork. Does someone want to make a motion to award A-2 to Radiac?

Mr. Perez stated that he would make the motion to award the HHW contract to Radiac.

Mr. Orcutt stated that he would second the motion.

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

On a motion by **Mr. Larsen**, seconded by **Mr. Perez**, the following resolution was adopted by the Pollution Control Financing Authority of Warren County at a meeting held on *April 5, 2024*.

## RESOLUTION

R-04-02-24

### AWARDING CONTRACT FURNISHING CONTRACTOR SERVICES FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION, RECYCLING AND/OR DISPOSAL

WHEREAS, the Pollution Control Financing Authority of Warren County (Authority) operates a sanitary landfill known as the Warren County District Landfill;

WHEREAS, the Authority is in need of services to furnish contractor services for household hazardous waste collection, recycling and/or disposal; and

WHEREAS, the Authority requested fair and open bids pursuant to N.J.S.A. 19:44A-20.4 et seq. for said services; and

WHEREAS, two (2) Bids were received on March 7, 2024 and were evaluated by staff and General Counsel and Radiac Environmental Services was found to be the lowest, responsive bidder; and

NOW THEREFORE, be it resolved by the Authority that Radiac Environmental Services be awarded the contract for 2024/2025 for furnishing contractor services for household hazardous waste collection, recycling and/or disposal as stipulated in the bid document dated March 7, 2024. Amount estimated at \$33,690.00 for (1) event in 2024 and \$34,690.00 for (1) event in 2025 in accordance with their Bid received on March 7, 2024.

BE IT FURTHER RESOLVED, the Chairman and the Director of Operations of the Authority are authorized to execute a contract with Radiac Environmental Services for these services.

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

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

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Recording Secretary  
Mariann Cliff

Dated: 4/5/24

ADJOURNMENT

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

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

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

***\*\*Meeting was adjourned at approximately 10:18 am***

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Respectfully submitted by:

Mariann Cliff  
Recording Secretary

Approved: