

POLLUTION CONTROL FINANCING AUTHORITY
OF WARREN COUNTY

MINUTES OF REGULAR MONTHLY MEETING

July 22, 2024

Vice Chairman Walter Orcutt called the regular monthly meeting of the Pollution Control Financing Authority of Warren County to order at approximately 9:36 am.

Authority Members present: Rob Larsen, Walter Orcutt, and Angelo Accetturo (via google meets).

Mr. Orcutt asked to call the roll.

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

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

The Pledge of Allegiance was led by Mr. Orcutt.

Mr. Accetturo read the following statement: “Adequate notice of this meeting of July 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. Orcutt asked if there was a motion for M-1 the Regular monthly meeting minutes from June 24, 2024.

Mr. Larsen stated that he would make the motion to approve M-1.

Mr. Accetturo stated that he would second the motion.

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

Mr. Larsen stated that he would make the motion to approve the Executive minutes.

Mr. Accetturo stated that he would second the motion.

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

CORRESPONDENCE

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

Mr. Orcutt asked if there were any public comments.

FINANCE

Mr. Orcutt stated that next was the finance with Mr. Knittel and Mrs. Banghart. But at this time, they would like to go over anything that they need to take action on in case of loosing the connection with Mr. Accetturo.

Mr. Orcutt asked Mr. Knittel to tell them about the material from Covanta.

Mr. Knittel replied that Covanta has one foot of soil from an entire property to move, the top couple of inches has been comingled with a little bit of concrete, gravel, and a bit of remnant ash. The analytics on it was much cleaner than the current ash that we bring in. one foot would give us 32 days of cover soil and they would like to pay us \$25.00 per ton. The math works out on that, as we would beat the price of Bethlehem's landfill by about a dollar. Otherwise, if we don't take it Bethlehem will take it for cover soil.

They would bring about eight loads a day for about thirty days, it gives us the right amount of daily cover on a daily basis. At the same time, we would be still taking in ash, and they would stockpile the ash for future use, plus it gives us a bit of income and a material that was cleaner than the current ash that they were using for cover. To him it was a win-win, it does work for Covanta because its close, but if the price is not right, they would just go to Bethlehem so that was that. Six thousand yards, one foot of soil from the neighboring County property. They would be starting this in a couple of weeks. Mr. Knittel stated that he does apologize for the late notice but he had only become aware of it on Friday.

Mr. Orcutt asked Mr. Accetturo if he had any issues with it.

Mr. Accetturo replied that if the quality was the same as the ash or cleaner he would say it was ok.

Mr. Orcutt stated that he would like to take action on it right now.

Mr. Orcutt stated that he would like to make a motion to accept the soil from Covanta at \$25.00 per ton.

Mr. Larsen stated that he would like to second that motion.

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

Mr. Accetturo asked if they needed a motion to pay the bills.

Mr. Knittel replied yes, in A-1, our finance report, our finances were fine. They had a positive month.

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

Mr. Accetturo stated that he would make a motion to approve R-07-01-24 Resolution to pay bills.

Mr. Larsen stated that he would second the motion.

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

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

R E S O L U T I O N

R-07-01-24

To Pay Bills – July 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 - Absent
 Mr. Accetturo - Yes

We hereby certify Resolution to Pay Bills in the amount of \$1,949,520.08 to be a true copy of a resolution adopted by the Pollution Control Financing Authority of Warren County on the 22th day of July, 2024.

Mariann Cliff
Recording Secretary

Jonathan Knittel
Director of Operations

Approved: 7/22/24

PERSONNEL

Mr. Knittel stated that they could move on with personnel. They have two, new part-time employees for the summer. They did lose an operator in January and they were looking to replace that person full-time, so they were going to evaluate these two part-timers for the next several months and report back to the Board with performance and recommendations. In the meantime, they did have someone out on a medical leave, so the part-timers would help us get through the summer. Then they would look to evaluate the new-hires later in the year.

PRESENTATIONS

Mr. Knittel stated that there were no presentations.

REPORTS

Mr. Knittel stated there were no reports.

FACILITIES/RECYCLING

Mr. Knittel stated, that they would go on with facilities and recycling, they do have the main flare stack testing scheduled for October. That was a once every couple of years, event. Sometimes it could be as much as every five years and sometimes as frequent as every year. The DEP changes the regulation on how often. We were set to have our flare stack test, which includes testing the flares efficiency in burning the gas and they measure the particulates, and the emissions. To make sure that it was all in compliance and they would give us a certification saying that we were not polluting anything downstream.

As for the odor update, they do have additional gas collectors going in this summer. They also have a large permanent gas header that they would be installing later this year.

Mr. Knittel stated that, the on-site treatment plant currently had the tanks filled, and they have CP Engineering, who was the design engineer, evaluating what pumps, tanks and processes were in good shape after being moth-balled, and which ones would be needing attention.

There was a bullet on the agenda regarding a force main bypass of Covanta, that was on-going, and they were exploring the modification of the sewer easement with our potential neighbor.

Mr. Knittel stated next they have 20-acre side-slope cap update. Barbella was in their third month of construction and they have submitted their second month's invoice. It was a big one, it was \$1,100,000.00 it was in our monthly bills and even with that, they still broke positive for the month. That money was eligible for reimbursement from the State, right after the bills were approved, they would submit the invoice to the NJDEP to get reimbursed for payment # 2. Payment #2 was large because it had a lot of the landfill liner materials for the cap in it.

Mr. Orcutt asked if payment #1 was done in a timely manner.

Mr. Knittel stated that payment #1 was done last month, they had submitted it to the NJDEP, but they did not get it back yet. They were expecting it within the next week or so, they could update the Board mid-month when that does come in. the first payment #1 was \$250,000.00 for the mobilization and set-up. And payment #2 was today at \$1,100,000.00. they do have adequate funding for several months of payments, as long as the DEP follows through on what they had said and start approving these requisitions.

So that was the side-slope cap, they were currently in the field with a large crew. They have all the clearing and grubbing done. They have about 80% of the PDM already placed, there was a slight organic musty odor that comes off of the PDM as it dries each day, but it dissipates within the same day. That process was going well.

Mr. Knittel stated that A-2 was the waste disposal fee schedule, there were no changes to it this month. With regard to A-2 they did get an interested hauler who was from a transfer station, inquire if they had any availability. Their answer to him, was to only let him know, that they would only be looking at new contracts in January. He was interested to know if we could consider him in January. Mr. Knittel stated that they could talk more about that in executive, right now they have their out-of-town tonnage covered by three haulers and this would be a fourth.

Mr. Tipton stated that this was contractual and would be for executive session.

Mr. Knittel stated that A-3, electronics and A-4 and 5 were Tires and Single Stream Recycling all were going well.

Mr. Orcutt asked if there was any push-back on Tire recycling since they eliminated the tractor tires. Mr. Knittel replied that the office did not hear any complaints on this but the Scale master had a few individuals that did complain and she had given them information on how to do it privately.

GENERAL COUNSEL

Mr. Tipton stated that he did not have anything for the general counsel’s report.

Mr. Larsen asked if everything was finalized with the credit with Russell Reid.

Mr. Tipton replied that he spoke with Mrs. Banghart, the settlement agreement was sent to them, and executed and they were just waiting for them to respond to giving a credit on the latest bill, which we have not paid. Waiting for them to confirm.

Mr. Knittel stated that they did sign the one-year extension on the Russel Reid hauling contract, that would take us through October 31st of next year. So, as they evaluate the waste water treatment plant and that contract comes to an end next October, it would either have to go out for public bid at that time or perhaps they would be a little closer to our leachate plant coming up on-line but they would cross that bridge next year.

OTHER BUSINESS

Mr. Orcutt asked if there were any other business.

CLOSING PUBLIC COMMENTS

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

EXECUTIVE SESSION

Mr. Orcutt asked the Chairman, if he would like to stay for the executive session.

Mr. Accetturo replied that he would.

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

Mr. Larsen stated that he would second the motion

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

**Executive session was entered at approximately 9:49 am.*

RESOLUTION

R-07-02-24

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. Larsen

ROLL CALL:	Mr. Larsen	-	Yes
	Mr. Orcutt	-	Yes
	Mr. Perez	-	Absent
	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 9:56 am.***

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

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

Regular session resumed at approximately 9:56 am.

There were no decisions or actions taken while in Executive session.

Mr. Orcutt asked Mr. Knittel to give a quick update on the fire safety inspection.

Mr. Knittel replied that the State of New Jersey used to do fire inspections for the Covanta facility which used to be a part of PCFA they had been doing it for decades.

In their paperwork, because the State was inspecting the facility, there was some discussion between Warren County fire marshal and the State fire marshal regarding who was inspecting the landfill. They decided amongst themselves last week that moving forward it would be Joe Lake from Warren County that would be doing the fire inspection. With that decision we registered all of our buildings with Mr. Lake, starting with the Administration building as #1, Scale house as # 2, Maintenance garage #3, Water treatment plant #4, #5 & 6 are prefab metal buildings for storage, #7 was the Pump house, #8 was a well house that we inherited from Covanta. # 8 was not compliant, it does not have fire exits and it has not been inspected in quite a while it was just a cinder block building that has a generator inside which became our property recently. So, we have two options, we either update that building or remove the generator and demo it. However, it was a nice building with a good roof so we would love to keep it, they would probably add an exit sign, emergency light and get it up to code. He had already thrown a smoke detector and a fire extinguisher in it for Mr. Lake. There were a few things like that. When Mr. Lake came in as a new inspector, he gave us a bullet list of things to take care of. Such as a couple maps of the grounds and buildings, for fire truck access. And a bullet list of every tank and container on the property and to make sure that they have the proper fire labels on them. We will be working closely with Mr. Lake for the next few months to ensure that everything was done correctly and from then on after, yearly inspections.

Mr. Orcutt let Mr. Accetturo know that he had asked Mr. Knittel to reach out to the local fire departments in the area and set up some meetings with them, they probably have not been in here in a while. Departments like Oxford, Belvidere and Mountain Lake would appreciate getting in here and get the lay of the land before any potential emergency.

Mr. Accetturo asked who was the inspector that came here from the State.

Mr. Knittel replied, it was William Hendrickson from Code Enforcement, him, and Joe Lake both met on-site to review everything and made the plan for going forward. That was all he had on fire safety.

Mr. Knittel stated that on facilities he had been dealing with Foley Caterpillar, and checking on their sourcewell co-op. They had been sending him information on new and used machinery, this goes back to the rock truck that they were still trying to purchase.

They believe they could get him some new quotes through Sourcewell in the next few weeks. Foley was aware that he does not have permission to just purchase a truck for \$300,000.00 without showing the Board what it was, and they have problems with that because when a truck comes in, it generally will be sold the very same week.

Mr. Orcutt replied that they could authorize the capital subcommittee to approve it.

Mr. Knittel replied that Foley had asked that, because they were part of a co-op, could they get authorization to purchase as soon as they found one.

Mr. Orcutt asked Mr. Accetturo if he was ok with that.

Mr. Accetturo replied yes. Mr. Orcutt stated that it was Mr. Accetturo and him on capital, and Mr. Knittel could send them the information and they could make a decision.

Mr. Orcutt stated that they just need to take action now to authorize the capital committee to make this decision when the time comes.

Mr. Orcutt stated that he would make the motion to authorize the capital committee to make this decision when the time comes.

Mr. Larsen stated that he would second the motion.

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

Mrs. Banghart stated that Mr. Perez apologized for not being here, he was unable to log in.

PRESS COMMENTS AND QUESTIONS

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

ADJOURNMENT

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

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

Mr. Orcutt stated that he would second the motion.

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

*****Meeting was adjourned at approximately 10:02 am***

Respectfully submitted by:

Mariann Cliff
Recording Secretary

Approved: