



# UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 25-2015

DATED: March 18, 2015

## RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AUTHORIZING A SETTLEMENT AGREEMENT BY AND BETWEEN THE AUTHORITY AND CIRCLE RUBBISH REMOVAL, INC.

APPROVED AS TO FORM:  
Joseph C. Bodek  
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS  
 YES  NO  NONE-REQUIRED  
UNION COUNTY UTILITIES AUTHORITY

By: Joseph C. Bodek

By: [Signature]

PRESENT      ABSENT      AYE      NAY      ABSTAIN      MOTION      SECOND

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>		✓					
<i>Jackus</i>	✓		✓			✓	
<i>Kahn</i>		✓					
<i>Kennedy, (Secretary)</i>		✓					
<i>Kulish</i>		✓					
<i>People (Treasurer)</i>	✓		✓				
<i>Erdos (Vice-chair)</i>	✓		✓				
<i>Eastman (Chairman)</i>		✓					
<i>Bonanno (Alternate)</i>	✓		✓				✓
<i>Lombardo, (Alternate)</i>	✓		✓				

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**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY  
AUTHORIZING A SETTLEMENT AGREEMENT BY AND BETWEEN  
THE AUTHORITY AND CIRCLE RUBBISH REMOVAL, INC.**

**WHEREAS**, the County of Union, New Jersey has previously adopted, and amended from time to time, the Union County District Solid Waste Management Plan in accordance with the New Jersey Solid Waste Management Act for the purpose of managing the disposal and/or recycling of solid waste generated in Union County; and

**WHEREAS**, the Union County Board of Chosen Freeholders has designated the Union County Utilities Authority (the "Authority"), in accordance with the Solid Waste Management Act, to serve as the implementing agency for its District Solid Waste Management Plan; and

**WHEREAS**, the Authority owns the Union County Resource Recovery Facility, a 1540 tons per day waste-to-energy facility, located in the City of Rahway, New Jersey (the "UCRRF") which has been leased to and is operated by Covanta Union, Inc. ("Covanta"), formerly known as Ogden Martin Systems of Union, Inc., as part of a restructuring undertaken by the Authority in 1998 following the decision in Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County et al., 112 F.3d 652 (3d Cir. 1997), cert. den. 522 U.S. 966 (1997); and

**WHEREAS**, on February 4, 2014, the Authority filed a Complaint against Circle Rubbish Removal, Inc. ("Circle Rubbish") in the Superior Court of New Jersey, Union County Vicinage, entitled, *Union County Utilities Authority v. Circle Rubbish Removal, Inc., et al.*, Docket No.: UNN-L-0386-14 ("the Litigation") to recover the outstanding balance owed to the Authority for tipping fees associated with Circle Rubbish's delivery of Union County generated solid waste to the UCRRF; and

**WHEREAS**, on December 17, 2014, the Union County Superior Court entered Final Judgment in favor of the Authority and against Circle Rubbish ("Judgment") representing the amount of the complaint in the Litigation, as well as additional costs and fees approved and entered by the Court, which Judgment subsequently became a statewide lien; and

**WHEREAS**, Circle Rubbish also previously entered into a settlement agreement with the Authority, as part of a solid waste enforcement matter, but defaulted on the agreement leaving a balance remaining due and owing; and

**WHEREAS**, the parties wish to compromise and resolve the Authority's claims against Circle Rubbish with regard to the Litigation and enforcement agreement in an effort to avoid further disputes and/or litigation with their attendant inconveniences and expenses.

**NOW THEREFORE BE IT RESOLVED**, by the Union County Utilities Authority as follows.

1. The Authority hereby approves the terms of the attached Settlement Agreement which includes, among other provisions, lump sum payments totaling \$36,450.00 and mutual releases by the parties.
2. The Authority authorizes and directs the Authority's Executive Director, with the assistance of General Counsel as needed, to execute the Settlement Agreement in substantially the same form as is attached hereto and take whatever further steps and measures may be necessary to effectuate the terms of the agreement and the directives and intent of this Resolution.
3. This Resolution shall take effect immediately.

