



UNION COUNTY UTILITIES AUTHORITY

1499 US Highway One, Rahway, New Jersey 07065

(732) 382-9400
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RESOLUTION NO.: 43-2015

DATED: June 17, 2015

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AUTHORIZING A SETTLEMENT AGREEMENT BY AND BETWEEN THE AUTHORITY AND SCIOSCIA DISPOSAL SERVICE CO.

APPROVED AS TO FORM:

Joseph C. Bodek Lisa M. daSilva
Dep. Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: Lisa M. daSilva

By: [Signature]

	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>Scutari</i>	✓		✓				
<i>Erdos (Vice-chair)</i>	✓		✓				
<i>Eastman (Chairman)</i>	✓		✓				
<i>Bonanno (Alternate)</i>		✓					
<i>Lombardo, (Alternate)</i>	✓		✓				

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AUTHORIZING A SETTLEMENT AGREEMENT BY AND BETWEEN
THE AUTHORITY AND SCIOSCIA DISPOSAL SERVICE CO.**

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 *Scioscia Disposal Service Co.* in the Superior Court of New Jersey, Union County Vicinage, captioned, *Union County Utilities Authority v. Scioscia Disposal Service Co.*, Docket No.: UNN-L-0398-14 ("the Litigation") to recover the outstanding balance owed to the Authority for tipping fees associated with Scioscia's delivery of Union County generated solid waste to the UCRRF; and

WHEREAS, the Parties to the Litigation wish to resolve the Authority's claim in an effort to avoid further disputes and 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 things, an initial lump sum payment to the Authority of Fifty Thousand Dollars (\$50,000.00), followed by sixty-one (61) monthly installment payments and other terms as set forth in greater detail within the Settlement Agreement.
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 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.