



# UNION COUNTY UTILITIES AUTHORITY

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RESOLUTION NO.: 61-2014

DATED: July 16, 2014

## RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY ACCEPTING REPORT OF VIJAYANT PAWAR, ESQ. IN FACT-FINDING INQUIRY CONCERNING STIPEND PAYMENTS MADE TO CERTAIN AUTHORITY EMPLOYEES IN 2013 AND 2014.

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
<i>Badri</i>		ⓧ					
<i>Eastman</i>	ⓧ		ⓧ				
<i>Jackus</i>	ⓧ		ⓧ				
<i>Kahn</i>	ⓧ		ⓧ				
<i>Kennedy, Secretary</i>	ⓧ		ⓧ			ⓧ	
<i>Kulish</i>		ⓧ					
<i>People, Treasurer</i>	ⓧ		ⓧ				ⓧ
<i>Erdos, Vice Chairman</i>		ⓧ					
<i>Huff, Chairman</i>	ⓧ		ⓧ				
<i>Bonanno, Alternate No. 1</i>	ⓧ		ⓧ				
<i>Lombardo, Alternate No.2</i>	ⓧ		ⓧ				

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AUTHORITY ACCEPTING REPORT OF VIJAYANT PAWAR,  
ESQ. IN FACT-FINDING INQUIRY CONCERNING STIPEND  
PAYMENTS MADE TO CERTAIN AUTHORITY EMPLOYEES  
IN 2013 AND 2014.**

**WHEREAS**, the Union County Utilities Authority (the "Authority") has been created by a resolution of the Board of Chosen Freeholders of the County of Union, New Jersey as a public body corporate and politic of the State of New Jersey, pursuant to and in accordance with County Utilities Authorities Law, N.J.S.A. 40:14B-1 *et seq.* and the acts amendatory thereof and supplemental thereto; and

**WHEREAS**, on February 26, 2014, by way of Resolution 24-2014, the Authority authorized, and subsequently entered into, a contract with Saiber LLC to provide independent fact-finding and related services to the Authority in connection with certain stipend payments made to Authority employees; and

**WHEREAS**, subsequent to the commencement of the fact-finding services, the Authority determined that it was one of multiple creditors in a matter in which Saiber LLC represents the debtor in the Federal District of New Jersey's Bankruptcy Court; and

**WHEREAS**, although Saiber LLC maintained that there was no actual or potential conflict of interest arising out of the above-described bankruptcy proceedings, which proceedings were unrelated to the subject fact-finding inquiry, the Authority nevertheless believed it was in its best interest for Saiber LLC to cease performance of its services in an abundance of caution to avoid any question as to the independence of the fact-finding inquiry then performed to date; and

**WHEREAS**, Saiber LLC agreed to withdraw as the Authority's fact-finder and to cease the provision of such services under the contract; and

**WHEREAS**, following the issuance of a Request for Qualifications, on April 9, 2014, by way of Resolution R-40-2014, the Authority appointed Vijayant Pawar, Esq. of the firm of Pawar, Gilgallon & Rudy, LLC, to serve as fact-finder in this inquiry; and

**WHEREAS**, Mr. Pawar undertook the fact-finding inquiry and, out of an abundance of caution, determined to conduct the inquiry without reviewing or referring to any information or materials developed by Saiber LLC during its performance as the previous fact-finder; and

**WHEREAS**, Mr. Pawar issued a draft report on May 21, 2014 and provided a supplemental report on June 9, 2014, amplifying the main report (collectively referred to hereinafter as the "Report"); and

**WHEREAS**, the Authority's Personnel, Procurement & Insurance ("PPI") Committee has met with Mr. Pawar and reviewed the Report and, with the advice of counsel, determined that the

Report, taken as a whole, is complete and responds appropriately to the scope of services requested to be completed as part of the fact-finding inquiry; and

**WHEREAS**, the PPI Committee recommends that the Board of Commissioners of the Union County Utilities Authority approve and accept the Report with the exception of one specific recommendation made by Mr. Pawar, as discussed with the full Board of Commissioners in Executive Session on this date and reflected in the Executive Session minutes, with which the PPI Committee disagrees as it conflicts with the letter and spirit of the Authority's By-Laws, Employee Handbook and Policy Manual.

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

1. The Authority hereby accepts the Report prepared by Vijayant Pawar, Esq. in this matter, with the exception of one specific recommendation made by Mr. Pawar, as discussed with the full Board of Commissioners in Executive Session on this date and which shall be reflected in the Executive Session minutes, with which the PPI Committee and this Board disagree for reasons set forth in the above described Executive Session minutes.
2. This Resolution shall take effect immediately.

