

UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority

June 18, 2014

Regular Meeting

Chairman Huff called the meeting to order at 7:20 p.m., in the meeting room of the Union County Utilities Authority, 1499 Routes 1 & 9 North, Rahway, New Jersey.

Notice of Compliance with the Open Public Meetings Act was read by Joseph C. Bodek, Clerk of the Authority.

A roll call of the Commissioners showed the following present: Chairman Huff, Vice-Chairman Erdos, Secretary Kennedy, Treasurer People, Commissioners Badri, Jackus, Kahn and Kulish. Also Present Alternate Commissioner Lombardo.

Commissioners Absent: Commissioner Eastman and Alternate Commissioner Lombardo.

Others Present: Daniel Sullivan and Thomas Brennan of the Authority's staff; Kraig Dowd and Guido Weber of Weber Dowd Law; Richard Bauch of Hatfield and Bauch; Ed Trainia of CME; Deputy Clerk Lisa M. da Silva; and Clerk Joseph C. Bodek

Chairman Huff led the Pledge of Allegiance.

Mr. Bodek provided Proof of Notice of the meeting.

Approval of Minutes

Commissioner Badri moved for approval of the public minutes of May 21, 2014 and the executive session minutes of April 9, 2014. The motion was seconded by Commissioner Kulish and ordered approved with Commissioner Jackus and Kahn abstaining, Commissioner Erdos abstaining on the executive session, and Commissioner Bonanno abstaining on the minutes of May 21, 2014.

Communications

There were no communications.

Report of Officers

There were no reports from the officers.

Report of Committees, Staff & Counsel – Public Session I

Finance and Budget.

Commissioner Kennedy reported on the meeting of the Finance and Budget Committee. The Committee met and recommended approval of the bill list. Commissioner Erdos moved the following resolution, approving operating and resource recovery facility vouchers for processing and payment. The motion was seconded by Commissioner Badri and was ordered approved with all voting yes except Commissioner Jackus, who voted no.

Commissioner Erdos moved the resolution approving consulting and legal vouchers for processing and payment. The motion was seconded by Commissioner Kulish and was unanimously ordered approved by a roll call vote, with all voting yes except Commissioner Jackus who voted no.

Commissioner Kennedy noted that the resolutions approving legal services vouchers related to employee stipend fact finding inquiry, were split into various parts, and explained what was done, Approval of the resolutions was recommended by the Committee.

Commissioner Kahn moved the resolution approving vouchers relating to employee stipend fact finding inquiry for processing and payment. The motion was seconded by Commissioner Kennedy and was approved by a roll call vote, with all voting yes except Commissioner Jackus and Bonanno, who voted no, and Commissioner Erdos who abstained. Prior to the vote Commissioner Jackus stated that he wanted all of the Commissioners to know, that back in February, he was not very happy with regards to the fact finding committee. He noted that it was his understanding that Mr. Bauch was supposed to act as a liaison to this Board, but he did not see that happening. He continued on that the bills before him indicate that the process has gone array, and seem somewhat outrageous. Commissioner Jackus indicated his displeasure, and that he was close to asking Mr. Bauch to resign his position, with regards to fact finding. He reviewed what he had been told about the length of the process, and that it is now four months. He spoke about other problems he has with the fact finding process, and that he may ask for a resolution to remove Mr. Bauch from the fact finding process. He spoke about the need for closure, and that it needs to be done fast, due to what it is costing the taxpayers. Commissioner Kennedy stated that the Personnel, Procurement and Insurance Committee has been meeting regularly and the process is moving towards a conclusion. He noted that the inquiry is a little more complicated than anticipated. Commissioner Kennedy stated it was his hope that the matter could be brought to a conclusion, in short order, possibly by the next meeting. Mr. Dowd informed the Commissioners that an update would be given in executive session. Commissioner Bonanno asked if a complete update would be given at that time. Mr. Dowd responded that it would be a status update.

Commissioner Kahn moved the resolution increasing the cap for Bauch Zucker Hatfield in their existing professional series contract with the Authority. The motion was

seconded by Commissioner Badri and was ordered approved with all voting in favor, except Commissioners Jackus and People, who voted no, and Commissioner Erdos and Bonanno, who abstained. Prior to the vote Commissioner Jackus stated that all the work, pertaining to the fact finding, was supposed to be done within the \$25,000.00 allocated, to Bauch Zucker Hatfield, and now we are being asked to increase their cap by \$25,000.00 to \$50,000.00. It was Commissioner Jackus opinion that the work could have been done for a lot less than the original \$25,000.00 allocated. He added that he was not very happy with what happened, and that he had made it very clear, on the twenty-first (21st), when he came here. He thought that was being done was wrong, and is a waste of taxpayer money.

Commissioner Kennedy noted that the invoice, for Bauch Zucker Hatfield, has been separated from the original resolution. A discussion followed clarifying what was in the original resolution, and what each included. Commissioner Kahn moved the resolution approving legal services vouchers relating to employee stipend fact finding inquiry for processing and payment. The motion was seconded by Commissioner Kulish and was ordered approved with all voting yes, except Commissioners Jackus and People, who voted no, and Commissioner Erdos who abstained. Prior to the roll call Commissioner Jackus directed comments to Mr. Bauch, stating that in looking at the bills he was quite upset, and in speaking to other Commissioners, they are also upset. He continued that he, and the other Commissioners, wanted this rapped up, and rapped up quickly, as entirely too much taxpayer money has been spent on this. Commissioner Jackus informed Mr. Bauch that it was his responsibility to get this done, and quickly. Mr. Bauch stated that he would respond in executive session.

Personnel/Procurement/Insurance Committee.

Commissioner Kulish reported on the meeting of the PPI Committee and that the committee recommended approval of the resolution authorizing execution of MassMutual deferred compensation plan document as amended. Commissioner Kahn moved for approval of the resolution. The motion was seconded by Commissioner Badri, and was unanimously ordered approved by a roll call vote.

Operations

There was no report from the operations committee.

Policy, Ethics and By-Laws.

Commissioner Badri reported on the meeting of the Committee, and the recommendation of the Committee. Commissioner Erdos moved the resolution approving a voluntary health benefits program buyout for non-contractual employees. The motion was seconded by Commissioner Khan and was unanimously ordered approved by a roll call vote.

New Business

Mr. Sullivan informed the Board that Union County had provided information relative to the cost of employee health benefits. There was no increase in the cost of medical benefits, and a slight decrease in the cost of the prescription plan. These rates were good for the next two years.

Public Comment

The Clerk read the rules under which public comment would be permitted.

John Burry, Kenilworth. Mr. Burry asked if was possible to get copies of the resolutions. Chairman Huff stated that they would be available right after the meeting. Mr. Burry asked if the investigation was all internal or if the any of the attorneys were responding to request from outside agencies, such as the Union County Prosecutors office or the Local Finance Board. Chairman Huff stated that he could not comment on that. Commissioner Kennedy, noted that the internal review was not an investigation, but a fact finding.

Report of Committees, Staff & Counsel – Executive Session

Whereas, the Open Public Meetings Act, N.J.S.A 10:4-6 et seq., permits the exclusion of the public from a public body meeting in certain circumstances; and

Whereas, the Union County Utilities Authority Board of Commissioners is of the opinion that such circumstances presently exist; and

Whereas, the Board of Commissioners wishes to discuss the following issues:

- 1) *Litigation/Potential Litigation – UCUA v DHRC*
- 2) *Matters covered by the Attorney Client Privilege pertaining to stipend review.*

Whereas, minutes will be kept of the executive session and once the matter(s) above no longer require confidentiality, the minutes, or appropriate portions thereof, of the executive session will be made available to the public; and

Whereas, the public is now being informed that the Authority may take official action at the conclusion of the executive session.

Now Therefore Be It Resolved by the Union County Utilities Board of Commissioners that the public be excluded from this meeting.

Commissioner Kulish moved the resolution to go into executive session. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 7:42 pm.

Commissioner Badri moved to return to public session. The motion was seconded by Commissioner Kahn, and was unanimously ordered approved by a roll call vote. (Commissioner Erdos left at the start of the executive session.) The Authority returned to public session at 8:43 pm.

Unfinished Business


There were no items of unfinished business.

Public Comment by Commissioners/Freeholder Liaison Chris Hudak

There were no comments.

There being no further business to come before the Authority, Commissioner Badri moved to adjourn the meeting. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a voice vote. The meeting was adjourned at 8:44 pm.

Respectfully submitted,


Joseph C. Bodek
Clerk

James Huff
Chairman

James Kennedy
Secretary