



# **UNION COUNTY UTILITIES AUTHORITY**

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## **Union County Utilities Authority February 26, 2014 Special Meeting**

Chairman Huff called the meeting to order at 7:05 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 Lisa M. da Silva, Deputy Clerk of the Authority.

A roll call of the Commissioners showed the following present: Chairman Huff, Treasurer People, Secretary Kennedy, Commissioners Badri, Eastman, Jackus, Kahn, and Kulish. Also present were Alternate Commissioners Bonanno and Lombardo

Commissioners Absent: Vice-Chairman Erdos.

Chairman Huff appointed Alternate Commissioner Bonanno to act for Commissioner Erdos.

Others Present: Daniel Sullivan of the Authority's staff; Kraig Dowd of Weber Dowd Law and Richard Bauch of Bauch Zucker Hatfield.

Chairman Huff led the Pledge of Allegiance.

Mrs. da Silva provided Proof of Notice of the meeting.

### Report of Officers

Commissioner Eastman moved the resolution approving the list of committees for 2014. The motion was seconded by Commissioner Badri and unanimously approved by roll call vote.

### Report of Committees, Staff & Counsel – Public Session I

#### Personnel/Procurement/Insurance

Commissioner Eastman moved the resolution amending Resolution #11-2014 adopting a list of firms qualified to provide various services to the Authority pursuant to a Request for Qualifications process. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Commissioner Eastman moved the resolution amending Resolution #12-2014 Appointing and reappointing certain consultants to the Authority. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Commissioner Eastman moved the resolution designating Tom Brennan as the Affirmative Action/Public Compliance Officer for the Authority. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote.

#### Public Comment

John Bury commented that he was assuming the purpose of the meeting was to address the issue of the stipends. Mr. Bury noted that the whole issue of the stipends was brought up at the last meeting, by a member of the public. Mr. Bury went on to talk about the possibility of tax issues regarding the payment of stipends to individuals who are employees. If that was proper then everyone would be doing it to avoid the payment of FICA. He noted the options that the Authority should consider regarding dealing with the tax issues raised by these payments. Lastly, he suggested the Authority pass some kind of resolution thanking Tina Renna for bringing this to the Authority's attention.

There were no other members of the public wishing to speak.

Commissioner Kahn moved to close Public Comment. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote. Public Comment was closed at 7:13 pm.

Commissioner Kahn moved for a recess. The motion was seconded by Commissioner Eastman and was ordered approved by a roll call vote, with all voting in favor except Commissioner Jackus and Commissioner People were absent from the room. The Authority recessed at 7:14 pm. Commissioner Kennedy noted that recess was so that the Personnel/Procurement/Insurance Committee could finish its meeting.

Chairman Huff moved to return from recess. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote. The meeting was called back to order at 7:45.

*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) Personnel*
- 2) Matters covered by the Attorney Client Privilege*

*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 Authority Board of Commissioners that the public be excluded from this meeting.*

Commissioner Kulish moved the resolution for executive session. The motion was second by Commissioner Kahn and was ordered approved by a roll call vote with all voting yes except for Commissioners Kahn and People who abstained. The Authority convened into executive session at 7:47 pm.

Upon motion of Commissioner Eastman, seconded by Commissioner Badri, and unanimously approved by a roll call vote. The Authority returned to public session at 10:53 pm.

#### Report of Committees Staff & Counsel – Public Session II

Mr. Sullivan was recognized by Chairman Huff to make a statement. Mr. Sullivan stated that he was speaking for himself and Tom Brennan and understood that the Commissioners had a very difficult night. He noted that he was disappointed, that, for whatever reason, they did not get a chance to speak on this issue. He further stated that over the last two years the Commissioners had put a lot of faith in him, and Mr. Brennan, and he didn't think that he did anything to shake that faith. He added that the fact that he did not even get a chance to explain what happened is beyond him. He wished that someone would explain that to him. Mr. Sullivan concluded by stating that he thought the Commissioners would have wanted to hear from him about what happened.

Commissioner Kulish moved the resolution regarding matters pertaining to stipend payments to certain Authority employees. The motion was seconded by Commissioner Kennedy and was ordered approved by a roll call vote, with all voting in favor except Commissioners Jackus and People who recused themselves from the vote on the advice of Counsel, and Commissioner Badri abstained. Commissioner Jackus note that on the advice of Counsel he did not participate in executive session.

Mr. Sullivan asked what the process would be, going forward. Mr. Bauch responded and explained the process, and when the expectation was that the issue would be resolved by. Mr. Sullivan asked for guidance regarding if himself, and Mr. Brennan, could do work related to the Improvement Authority. Mr. Brennan added that as the financial officer for the Utilities Authority that he had been told that he cannot do work for the Improvement Authority and that he cannot get paid for it. A discussion followed as to the work that they could do. Mr. Bauch spoke to the issue, and whether what work they could do, and if they could ask the Improvement Authority to compensate them for this work. Mr. Sullivan stated that he would continue to work as hard as he has, and would encourage his staff to do so also, without any extra compensation.

Comment by Commissioners/Freeholder Liaison Chris Hudak

There were no comments.

There being no further business to come before the Authority, Commissioner Kennedy 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 11:03 pm.

Respectfully submitted,

Joseph C. Bodek  
Clerk

James Huff  
Chairman

James Kennedy  
Secretary