



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority May 18, 2011 Regular Public Meeting

Chairman Kulish called the meeting to order at 6:45 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 Kulish, Vice-Chairman Jackus, Treasurer People, Secretary Kennedy, Commissioners Eastman, Erdos, Huff and Kahn. Also present were alternate Commissioner Jorn and Lombardo.

Commissioners Absent: Commissioner Badri.

Others Present: Dr. Sunil Garg, Thomas Brennan, and Denise Santiago of the Authority's staff; Ed Trainia of CME; Jonathan Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd Guido Weber of Weber Dowd Law; Dennis Enright of NW Financial; Rich Bauch of Bauch, Zucker, Hatfield, LLC; Deputy Clerk Lisa M. Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kulish led the Pledge of Allegiance.

Chairman Kulish designed alternate Commissioner Jorn to act for Commissioner Badri.

Mr. Bodek provided Proof of Notice of the meeting.

Commissioner People moved the resolution approving the regular session and executive session minutes of the regular meeting of April 20, 2011. The motion was seconded by Commissioner Jorn and was unanimously ordered approved by a roll call vote.

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

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Commissioner Jackus reported that the Finance and Budget Committee had met and recommended approval of the payment of the bills. Commissioner Kennedy moved the following resolutions: 1) Approving Operating and Resource Recovery Facility vouchers for Processing and payment; and 2) Approving consulting and legal vouchers for processing and payment. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote.

Personnel/Procurement/Insurance

There was no report for public session.

Operations:

Ms. Santiago reported on the field operations and investigations for the month of April 2011. She noted that there were 486 Solid Waste investigations, 117 Type 13 and 369 Type 10. She noted that a majority of the cases instituted during the month of April are presently active and still undergoing the inspectional process.

Dr. Garg reported that he had met with Commissioners Kahn and Eastman regarding the outage, at the facility that he reported on last month. In his report last month Dr. Garg had reported that the turbine was in good shape and returned to service. When the plant was started back up, there was an issue, with the turbine, and the turbine and the plant had to be again taken out of service. As a result of the unscheduled outage, waste coming to the facility had to be diverted. There was no diversion plan, which is the responsibility of Covanta. He noted a number of issues that came about as a result of Covanta's failure to have an approved plan in place. The facility was brought back on line, and the inventory of waste was worked off. Dr. Garg stated that he would be writing a letter, to Covanta, asking them to develop a diversion plan and to have it included in the Solid Waste Disposal Plan, via an amendment. Dr. Garg and the Commissioners discussed the series of events that occurred, with the taking of the plant off-line, the various issues that arose, and how they were dealt with.

Solid Waste and Recycling

There was no report from the Solid Waste and Recycling Committee.

New Business

There was no new business.

Public Comment

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

Eddie V. Smith a resident of Rahway, who lives across the river from the facility. Mr. Smith spoke about the five minute rule and how little time it really was. Next Mr. Smith noted that he had attended both the Union County and City of Rahway budget hearings. He stated that at the Union County hearing the County manager speak about waiting for a check, from this facility. Rahway did the exact same thing. He spoke about his concerns, with the County getting this money, since it is the City of Rahway that carries the burden of this facility. Mr. Smith wanted to know if the litigation was settled, since it seems that would be the case, if checks were being cut. He noted that he would also like to see the minutes of the executive sessions for those sessions that it was discussed. Mr. Dowd answered Mr. Smith's questions about litigation and the on going negotiations, with Rahway, over a host community agreement.

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) Project Team Updates – Contracts*
- 2) Teamsters #125 - Negotiations*
- 3) Host Community Agreement – Attorney Client Privilege*
- 4) Eagle Recycling – Litigation/Potential Litigation*
- 5) Attorney Client Issues.*

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

Now therefore be it resolved by the Union County Utilities Authority Board of Commissioners that the public be excluded from this meeting.

Commissioner Erdos moved the resolution for executive session. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 7:03 p.m.

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Commissioner Erdos moved to return to public session. The motion was seconded by Commissioner People and was ordered approved by a roll call vote, with Commissioners Eastman and Kennedy out of the room. The Authority returned to public session at 8:50 p.m.

Report of Committees Staff & Counsel – Public Session II

Commissioner Erdos moved the resolution approving and authorizing the execution of a settlement agreement with Eagle Recycling of New Jersey, Inc. Commissioner Kahn seconded the motion and it was unanimously ordered approved by a roll call vote.

Unfinished Business

There was no unfinished business.

Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan

There were no comments.

There being no further business to come before the Authority, Commissioner Huff moved to adjourn the meeting. The motion was seconded by Chairman Eastman and was unanimously ordered approved by a voice vote. The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

John G. Kulish
Chairman

James Kennedy
Secretary