



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority January 19, 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, Commissioners Erdos, Huff and Kennedy. Also present were alternate Commissioners Jorn and Lombardo.

Commissioners Absent: Commissioners Badri, Kahn and Rachlin.

Others Present: Thomas Brennan and Jeff Hummel of the Authority's staff; Ed Trainia of CME; Jonathon Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Dennis Enright of NW Financial; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kulish led the Pledge of Allegiance.

Chairman Kulish designed alternate Commissioner Jorn to act for Commissioner Rachlin and Commissioner Lombardo to act for Commissioner Badri.

Mr. Bodek provided Proof of Notice of the meeting.

Commissioner Erdos moved the resolution approving the regular session and executive session minutes of the regular meeting of December 15, 2010 and the special meeting of December 29, 2010. The motion was seconded by Commissioner Huff and was ordered approved by a roll call vote, with all voting yes, except Commissioner Huff who abstained.

Communications

There were no communications.

Report of Officers

There were no reports from the Officers.

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Report of Committees, Staff & Counsel – Public Session I

Finance and Budget

Commissioner Jackus reported that the Finance and Budget Committee had met and recommended approval of the payment of the bills. Commissioner Jorn moved the following resolutions: 1) Approving Operating and Resource Recovery Facility vouchers for Processing and payment; 2) Approving consulting and legal vouchers for processing and payment; and 3) Increasing the cap for Bauch Zucker Hatfield in their existing professional services contract. The motion was seconded by Commissioner Erdos and was ordered approved by a roll call vote, with all voting in favor except Commissioner Jackus who abstained on the resolution approving consulting and legal vouchers.

Personnel/Procurement/Insurance

There was no report.

Operations:

Mr. Hummel reported on the field operations and investigations for the month of December. He noted that there were 197 solid waste flow inspections (179 type 13 and 18 type 10). The majority of these cases are still active and undergoing the inspection process.

Solid Waste and Recycling

Mr. Brennan gave a report on the resolution allowing for disposal of ID Type 27 waste by Schering Corporation, which is now owned by Merck. The change reflects the change in ownership and not the rates being paid. Mr. Jackus moved the resolution approving and authorizing the execution of a successor agreement with Schering Corporation providing for the disposal of ID Type 27 Solid Waste generated by Schering Corporation at an alternate disposal facility consistent with the Union County District Solid Waste Management Plan. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote.

New Business - There was no new business.

Public Comment - There was no public comment.

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Reports 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) Contracts: Covanta Project Team Updates. (contracts)*
- 2) Rahway Host Community Benefit Agreement (contracts)*
- 3) Pending litigation concerning Enforcement Officers petition for representation filed with the Public Employment Relations Commission. (Matters Pertaining to Attorney Client Privilege)*
- 4) Cap increase for DeCotiis, Fitzpatrick and Cole, LLP. (contact and negotiation)*

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 Huff moved the resolution for executive session. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:53 p.m.

Commissioner Jorn moved to return to public session. The motion was seconded by Commissioner Lombardo and was ordered approved by a roll call vote. The Authority returned to public session at 7:57 p.m. (Commissioner Kennedy was out of the room when the motion to return to public session was made.)

Report of Committees Staff & Counsel – Public Session II

Commissioner Erdos moved to table the resolution granting consent to Covanta Union, Inc.'s advance payment (Host Community benefit) to the City of Rahway. The motion was seconded by Commissioner Jorn and was unanimously ordered approved by a roll call vote.

Commissioner Lombardo moved the resolution increasing the cap for DeCotiis Fitzpatrick and Cole, LLP and authorizing the firm's entry into a subcontract relating under their

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existing professional services contract. The motion was seconded by Commissioner Kennedy and was unanimously ordered approved by a roll call vote.

Commissioner Erdos moved the following resolutions: 1) Approving and authorizing the execution of a second amendment to the amended and restated waste disposal agreement and a first amendment to the facility lease agreement by and between the Authority and Covanta Union, Inc.; and 2) Recommending an amendment to the Union County District Solid Waste Management Plan to incorporate extensions of, and modifications to, the terms and provisions of the facility lease agreement and waste disposal agreement with Covanta Union, Inc. for the operation of the Union County Resource Recovery Facility as part of the Union County Solid Waste System, to authorize amendments to the local waste agreements, and to reaffirm the implementation and enforcement of regulatory waste flow control for processible waste generated in the County of Union. The motion was seconded by Commissioner Kennedy and was unanimously ordered approved by a roll call vote.

Chairman Kulish noted that the attorney has been directed to respond to the letter from Rahway.

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 Lombardo moved to adjourn the meeting. The motion was seconded by Commissioner Jorn and was unanimously ordered approved by a voice vote. The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

John Kulish
Chairman

Robert Rachlin
Secretary