



# **UNION COUNTY UTILITIES AUTHORITY**

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## **Union County Utilities Authority March 16, 2011 Regular Public Meeting**

Chairman Kulish called the meeting to order at 6:35 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 Lombardo.

Chairman Kulish welcomed Commissioner Eastman to the Authority.

Commissioners Absent: Commissioner Badri and Alternate Commissioner Jorn.

Others Present: Dr. Sunil Garg, Thomas Brennan, Denise Santiago and Jeff Hummel of the Authority's staff; Tim Gillen of CME; Jonathon Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Richard Bauch of Bauch Zucker and Hatfield; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek. Also present was Rahway Councilman David Brown.

Chairman Kulish led the Pledge of Allegiance.

Chairman Kulish designed alternate Commissioner Lombardo for Commissioner Badri.

Mr. Bodek provided Proof of Notice of the meeting.

Commissioner Jackus moved the resolution approving the regular session and executive session minutes of the regular meeting s of January 19, 2001 and February 9, 2011 and the special meeting of February 24, 2011. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote.

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 Jackus reported that the Finance and Budget Committee had met and recommended approval of the payment of the bills. Commissioner Kahn 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 People and was ordered approved by a roll call vote, with all voting in favor except Commissioner Eastman, who abstained on both.

Personnel/Procurement/Insurance

Commissioner Erdos reported on the meeting of the Personnel/Procurement/Insurance Committee. The Committee recommended approving resolutions dealing with professional services. Commissioner Kennedy moved the following resolutions: 1) Authorizing the execution of contracts with previously appointed and reappointed professional and consultants; 2) Authorizing DeCotiis Fitzpatrick and Cole, LLP to enter into a subcontract under their existing professional services engagement; and 3) Revising the list of firms qualified to provide various services to the Authority pursuant to a request for qualifications process. The motion was seconded by Commissioner Huff and was ordered approved by a roll call vote, with all voting in favor except Commissioner Eastman who abstained.

Operations:

Mr. Hummel reported on the field operations and investigations for the month of February, 2011. He noted that there were 272 Solid Waste investigations, 246 Type 13 and 26 Type 10. He noted that a majority of the cases instituted during the month of February are presently active and still undergoing the inspectional process.

Ms. Santiago reported on enforcement and settlements, noting that during the months of January and February \$32,235.00 in penalties was collected. She noted that three settlements, with various haulers were pending. Dr. Garg reported on the status of the Cadello settlement. Ms. Santiago spoke about the number of non-waste flow violations forwarded to the County.

Solid Waste and Recycling

Commissioner People reported on the meeting of the Solid Waste and Recycling Committee. Mr. Gillen spoke of the operations of SteriCycle and why the action did not require a full plan amendment. Next Mr. Gillen reported that resolution #25 dealt with the

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removal of contaminated soil from the demolition site of Borne Chemical in Elizabeth. Dr. Garg noted that representatives of SteriCycle were present in the room, if there were any questions. He informed the Commissioners that this facility would bring 150 jobs to Union County. Commissioner Erdos moved the following resolutions: 1) Recommending an administrative action plan amendment for inclusion in the Union County District Solid Waste Management Plan authorizing SteriCycle to operate a regulated medical waste commercial collection facility located at 715 Dowd Avenue, Elizabeth, NJ. The motion was seconded by Commissioner People and was ordered approved by a roll call vote, with all voting in favor, except Commissioner Eastman, who abstained.

Mr. Dowd provided an update on the status of the plan amendment for Full Circle, which the Authority had acted upon at its reorganization meeting.

#### New Business

Chairman Kulish noted that the Committee assignments, for this year were included in the Commissioners packets. The assignments were basically the same as they were last year. Commissioner Jackus moved for approval of the resolution confirming the committee appointments made by the chairperson of the Authority for 2011-2012. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote.

#### Public Comment

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

Rahway Fourth Ward Councilman David Brown. Councilman Brown informed the Commissioners that the facility was located in the Fourth Ward and that its residents had some concerns over the operation of the plant. He hoped that the Authority would continue its good neighbor policy and keep an open dialogue with the residents.

Eddie Smith, 1280 Clark St., Rahway. Mr. Smith noted that he was a fence line neighbor with the facility. He spoke about the host community agreement, and that the residents have not had an opportunity to come together, as a community, and express their concerns on this issue. He also spoke about the history of the facility and how it tore the community apart. Mr. Smith stated that host community agreement has appeared on the agenda a number of times, under executive session, and that he understood the reasons for executive session. He stated that only when discussions on the matter were concluded, would the community know what was going on. By then the community would have to work backwards to figure out what was going on. The process excludes the community from the debate. He also spoke about the sighting of the facility in a minority community and that previous promises were never met. Mr. Dowd explained that the Authority and the City of Rahway were in ongoing negotiations over the host community benefits, noting

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that did not prevent Mr. Smith from coming to this meeting to express his concerns about the facility and the agreement. Commissioner Kennedy noted that there is already a host community agreement in place, and the operators don't have to offer anything, however there is consideration for that. Mr. Smith thanked the Commissioners for listening and asked them to consider his remarks.

Dr. Garg was excused from the meeting.

#### 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) Attorney Client Issues*
- 3) Matters concerning collective negotiations with Teamsters #125 (negotiations)*

*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 Jackus moved the resolution for executive session. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:50 p.m.

Commissioner Kennedy 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 7:30 p.m.

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

Commissioner Erdos moved a resolution designating General Counsel Kraig Dowd and Director of Solid Waste Enforcement and Recycling Denise Santiago to prepare a response to NJDEP interrogatory #5 served on the Authority in response to the petition for approval of the lease extension application previously filed with the Department pursuant

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to N.J.S.A 13:1 E-136 Et Seq. The motion was seconded by Commissioner Huff and 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 Commissioner Lombardo and was unanimously ordered approved by a voice vote. The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Joseph C. Bodek  
Clerk

John Kulish  
Chairman

James Kennedy  
Secretary