



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority February 11, 2009 Reorganization Meeting

General Counsel Kraig Dowd called the meeting to order at 6:33 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: Commissioners Badri, Erdos, Jackus, Kennedy, People, Kulish, and Kahn (via conference phone). Also present was alternate Commissioner Lombardo.

Commissioners Absent: Commissioner Huff, Wolf, and alternate Commissioner Jorn.

Others Present: Dr. Garg, Bill Neafsey, Jeff Hummel, Tom Brennan and Denise Santiago of the Authority's staff; Ed Trainia of CME; Kraig Dowd of Weber Dowd Law; Gina Bilangi of DeCotiis Fitzpatrick, Cole and Wisler; Deputy Clerk Lisa Miskiewicz; and Clerk Joseph C. Bodek.

Mr. Dowd led the Pledge of Allegiance.

Mr. Bodek provided proof of notice of the meeting.

Mr. Dowd appointed Alternate Commissioner Lombardo to act for Commissioner Wolf.

Election of Officers

Mr. Dowd opened the floor for nominations for the office of Chairman of the Authority. Commissioner Kennedy nominated Mr. Kahn as Chairman. The motion was seconded by Commissioner Kulish. There being no further nominations Commissioner Kulish moved to close the nominations. The motion was seconded by Commissioner Badri and unanimously approved by a roll call vote. Mr. Dowd then called for a vote on the nomination of Commissioner Kahn as Chairman of the Authority. Commissioner Kahn was unanimously elected Chairman by a roll call vote.

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Mr. Dowd opened the floor for nominations for the office of Vice-Chairman of the Authority. Commissioner Erdos nominated Commissioner Kulish as Vice-Chairman. The motion was seconded by Commissioner Kahn. There being no further nominations Commissioner Erdos moved to close the nominations. The motion was seconded by Commissioner Jackus and unanimously approved by a roll call vote. Mr. Dowd then called for a vote on the nomination of Commissioner Kulish as Vice-Chairman of the Authority. Commissioner Kulish was unanimously elected Vice-Chairman by a roll call vote. Commissioner Kulish thanked his fellow Commissioners.

Mr. Dowd opened the floor for nominations for the office of Treasurer of the Authority. Commissioner Erdos nominated Commissioner People as Treasurer. The motion was seconded by Commissioner Kennedy. There being no further nominations, Commissioner Erdos moved to close the nominations. The motion was seconded by Commissioner Lombardo and unanimously approved by a roll call vote. Mr. Dowd then called for a vote on the nomination of Commissioner People as Treasurer of the Authority. Commissioner People was unanimously elected Treasurer by a roll call vote.

Mr. Dowd opened the floor for nominations for the office of Secretary of the Authority. Commissioner Kahn nominated Commissioner Wolf as Secretary. The motion was seconded by Commissioner Kulish. There being no further nominations, Commissioner Jackus moved to close the nominations. The motion was seconded by Commissioner Badri and unanimously approved by a roll call vote. Mr. Dowd then called for a vote on the nomination of Commissioner Wolf as Secretary. Commissioner Wolf was unanimously elected Secretary.

Appointment of Committees

Chairman Kahn asked that the Committee appointments for the Authority for 2009-2010 remain as they were for the prior year. Commissioner Kulish moved the resolution confirming the Committee appointments made by the Chairperson of the Authority for 2009-2010. The motion was seconded by Commissioner People and unanimously approved by a roll call vote.

Minutes

Commissioner Badri moved the resolution approving the regular session and executive session minutes of the regular public meeting of January 21, 2009. The motion was seconded by Commissioner People and approved by a roll call vote, with all voting yes, except Commissioner Erdos and Jackus, who abstained.

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 Jackus reported that the Finance and Budget Committee had met and recommended approval of the bill list. Commissioner Kulish 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 Badri and approved unanimously by a roll call vote.

Commissioner Jackus reported that the Committee also recommended approval of the resolutions designating the financial institutions and a professional authorization. Commissioner Kulish moved the following resolutions: 1) Designating certain financial institutions as official depositories for the monies of the Authority in accordance with N.J.S.A. 40A:5-14 for the year 2009; and 2) Increasing the cap for Weber Dowd, LLC in their existing professional service contract. The motion was seconded by Commissioner Badri and unanimously approved by a roll call vote.

Personnel/Procurement/Insurance:

Commissioner Erdos reported that the Committee recommended approval of the resolutions reappointing the Executive Director and General Counsel. Mr. Dowd noted that a change to be made in the title of the resolution reappointing the Executive Director and that paragraph number 3 be struck and paragraph number 4 become paragraph number 3.

Commissioner Kulish moved the following resolution: Reappointing Sunil K. Garg, PhD., Esq., to the position of Executive Director of the Authority. The motion was seconded by Commissioner Badri and was unanimously approved by a roll call vote.

Commissioner Kulish moved the resolution appointing Kraig M. Dowd, Esq., of the firm Weber Dowd Law, LLC as General Counsel. The motion was seconded by Commissioner Badri and was unanimously approved by a roll call vote.

Commissioner Erdos reported that the Committee recommended approval of the resolutions adopting qualified firms, appointing consultants and professionals and designating an Affirmative Action and Public Agency Compliance Officer.

Commissioner Kulish moved the following resolutions: 1) Adopting a list of firms qualified to perform various services to the Authority pursuant to a request for qualifications process; 2) Appointing and reappointing certain professionals and consultants to the Authority; and 3) Reappointing Thomas Brennan as the Affirmative Action and Public Agency Compliance Officer for the Authority. The motion was seconded by Commissioner Badri and unanimously approved by a roll call vote.

Public Information:

Commissioner Erdos moved the following resolutions: 1) Establishing a meeting schedule for the period March 2009 through the Authority's reorganization meeting in February 2010; and 2) Designating the official newspaper for the Authority as the Star Ledger and Authorizing the use of the Home News Tribune, the Worrall Publications and LaVoz as supplemental Newspapers. The motion was seconded by Commissioner Badri and approved unanimously by a roll call vote.

Policy, Ethics & By-Laws:

Commissioner Kulish moved the resolution authorizing the re-adoption of the bylaws of the Authority. The motion was seconded by Commissioner Lombardo and approved unanimously by a roll call vote.

Operations:

Mr. Hummel advised the Commissioners that there were 418 solid waste flow inspections/investigations conducted during the month of January 2009 (254 Type 13, 164 Type 10). He noted that the compliance staff had taken the following enforcement action

1. A meeting was held with representatives from the South Plainfield Transfer & Recycling Corporation on February 4, 2009 to discuss inconsistencies in data from their facility for 2005
2. Denise Santiago, Chief William Neafsey and Jeff Hummel conducted a tour of the TLA Facility located in Newark, New Jersey.
3. A draft agreement for final settlement has been received from Conoco-Philips for review.
4. A meeting was held with General Counsel and staff enforcement attorneys to discuss rate component and penalty issues concerning waste flow violations by Eagle Recycling.
5. The Cardella Settlement is being finalized.
6. Data from Horwith Trucking, Inc. is being reviewed concerning the transportation of Union County waste transported out of state.

Ms. Santiago informed the Commissioners that for the month of January, \$2,855.00 was collected for enforcement. She noted that settlement discussions were taking place with various entities regarding waste flow violations.

Solid Waste & Recycling - There was no report.

New Business - There were no items of new business.

Public Comment - There were no members of the Public present.

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Report of Committees, Staff & Counsel – Executive Session

Commissioner Kennedy left the meeting at 6:50 pm.

Commissioner Kulish moved to go into executive session. The motion was seconded by Commissioner Badri. The motion to go into executive session was unanimously approved by a roll call vote.

Mr. Bodek read the following statement:

“In accordance with the Open Public Meeting Act, in the State of New Jersey, the Authority is entering into executive session to discuss items concerning contracts, litigation and/or personnel. The Authority may take official action on items discussed in executive session once the Authority returns to public session”.

The Authority convened into executive session at 6:53 pm.

Upon motion of Commissioner Erdos, seconded by Commissioner Lombardo, and approved unanimously by a roll call vote, The Authority returned to public session at 7:00 p.m.

Chairman Kahn left the meeting at 6:57 pm.

Report of Committees Staff & Counsel – Public Session II

There were no reports.

Unfinished Business - There were no items of unfinished business.

Commissioners/Freeholder Liaison Chester Holmes - 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 Erdos, and was unanimously approved by a roll call vote. The meeting was adjourned at 7:01 p.m.

Respectfully submitted

Joseph C. Bodek
Clerk

Edward J. Kahn
Chairman

William Wolf
Secretary