



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority June 17, 2009 Regular Public Meeting

Vice-Chairman Kulish called the **Meeting to Order** at 6:50 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 Bodek

A **Roll Call** of the Commissioners showed the following present: Vice-Chairman Kulish, Treasurer People, Acting Secretary Kennedy, Commissioners Badri, Erdos, Huff Jackus, and Rachlin. Also present were alternate Commissioners Jorn and Lombardo. Chairman Kahn arrived at 6:57 pm. He participated via telephone, Vice-Chairman Kulish ran the meeting.

Commissioners Absent: None.

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; Vijyant Pawar, Esq.; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Vice-Chairman Kulish led the Pledge of Allegiance.

Vice-Chairman Kulish appointed Commissioner Jorn to act for Commissioner Kahn.

Mr. Bodek provided **Proof of Notice** of the meeting.

Minutes

Commissioner Erdos moved the resolution approving the regular session and executive session minutes of the regular public meeting of May 20, 2009. The motion was seconded by Commissioner Badri and was unanimously approved by a voice vote.

Communications

Mr. Bodek read a thank you note from Noel Wolf Crawford, daughter of William Wolf, for the expression of sympathy sent by the Commissioners and staff, when her father passed away.

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 Jackus 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.

Personnel/Procurement/Insurance:

Vice-President Kulish requested that the Personnel/Procurement/Insurance Committee meet to discuss some personnel matters. He directed the committee chairman to set a date.

Operations:

Mr. Hummel reported that there were 332 solid waste flow inspections/investigations conducted during the month of May 2009 (286 type 13 and 46 type 10). He noted that a majority of cases instituted during the month of May are presently active and still undergoing the inspectional process. The Division also took the following enforcement actions:

- 1) Horwith Trucks, Inc., were notified to cease-and-desist out of state transportation of Union County generated waste types 13, 13C, 23, 25 and 27 and pay the UCUA the applicable rate component fee for prior unauthorized disposal in the amount of \$8,395.30.
- 2) Data from Bridgewater Resources Inc. is being analyzed regarding rate component and waste flow violations from 2006 through 2009.

Ms. Santiago gave the following report on enforcement and settlements:

- 1) Enforcement Counsel has been authorized to settle penalties against 3 haulers for a total amount of \$21,500.00.
- 2) Penalties collected \$1,240.00
- 3) The UCUA has received DEP approval to file waste flow Complaints in superior court against six (6) haulers.

Dr. Garg reported that the Authority's office have been suffering from a black material that has been coming out of the air conditioning ducts. He asked the Commissioners to note the material on their desk. The issue has been raised to Covanta. At this time the material has not been identified. Ms. Santiago has been working with the Rahway Health Officer, Rick Proctor, to determine what the material is and if it is a health concern to the Authority's staff. He noted that

this is a recurring issue and he did not understand why Covanta could not resolve it. He noted that Chairman Kahn has been very supportive of the efforts.

Dr. Garg informed the Commissioners that the Authority has become a member of an entity called the Local Government Coalition for Renewable Energy. It is a coalition of eighteen to twenty, or so, solid waste authority's, similar to the UCUA, from across the Country. The groups' main purpose is to make sure that waste to energy is included in the Waxman/Markey bill. (Chairman Kahn joined the meeting via telephone.) Dr. Garg noted his efforts, and those of Commissioner Kennedy, to address the issues. Dr. Garg explained that a draft of the legislation, on June 4th, now appeared favorable to the Authority. He noted that there was still a long way to go to get the legislation passed in its current form. He explained that if waste to energy was excluded from the renewable energy portfolio it could cost Union County up to \$20 million in increased rates for disposal of waste. He spoke about the additional revenues that "Carbon Credits" could generate, if the legislation, in its current form is passed. Commissioner Erdos asked if any authorities, from California or Mass. were involved. Dr. Garg responded in the affirmative. Dr. Garg stated the driving force in getting this legislation moving was the explanations, to legislators, of the real impact on taxpayers and citizens.

Solid Waste and Recycling:

There was no report.

New Business

There was no new business.

Public Comment

There were no members of the Public present.

Report of Committees, Staff & Counsel – Executive Session

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."

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

The Authority convened into executive session at 7:05 pm.

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Upon motion of Commissioner Badri, seconded by Commissioner Kennedy, and approved unanimously by a roll call vote, the Authority returned to public session at 7:10 p.m.

Report of Committees Staff & Counsel – Public Session II

Commissioner Badri moved the resolution approving and authorizing the execution of a settlement agreement with Cardella Trucking Company, Inc. providing for (1) the settlement and payment of outstanding rate component monies and (2) mutual releases. The motion was seconded by Commissioner Erdos and approved unanimously by a roll call vote.

Unfinished Business

Dr. Garg noted that as the Authority has participated in a number of waste to energy conferences, and the request for tours of the facility has increased, it has become apparent that the Authority needed some type of handout. As a result Lisa Miskiewicz, and the staff, developed the packet in front of each Commissioner. He noted the contents of the packet, and its value. He noted some articles that he and Commissioner Kennedy have authored. He reminded the Commissioners that the Authority has hired a public relations firm, in February, to help with these efforts.

Public Comments

There were no comments.

Unfinished Business

There were no items of unfinished business.

Public Comments by 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 ordered approved by a voice vote. The meeting was adjourned at 7:13 p.m.

Respectfully submitted

Joseph C. Bodek
Clerk

Edward J. Kahn
Chairman

James Kennedy
Acting Secretary