



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority September 16, 2009 Regular Public Meeting

Chairman Kahn called the meeting to order at 6:38 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 Kahn, Vice-Chairman Kulish, Treasurer People, Acting Secretary Kennedy, Commissioners Erdos, Huff, Jackus, and Rachlin. Also present were alternate Commissioners Jorn and Lombardo.

Commissioners absent: Commissioner Badri.

Other Present: Dr. Garg; Thomas Brennan, William Neafsey, Jeff Hummel, Denise Santiago of the Authority's staff; Ed Trainia of CME; Kraig Dowd of Weber Dowd Law, Jonathan Williams of DeCotiis Fitzpatrick, Cole and Wisler; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kahn led the Pledge of Allegiance.

Chairman Kahn appointed alternate Commissioner Jorn to act for Commissioner Badri.

Mr. Bodek provided Proof of Notice of the meeting.

Minutes

Commissioner Erdos moved the resolution approving the regular session and executive minutes of the regular meeting of August 19, 2009. The motion was seconded by Commissioner Kulish and was ordered approved with all voting in favor except Commissioner Kulish, 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

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Commissioner Kulish reported that the Finance and Budget Committee had met and recommended approval of the payment of the bills. 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 Huff and unanimously ordered approved by a roll call vote.

Personnel/Procurement/Insurance

Commissioner Erdos reported that the Personnel/Procurement/Insurance Committee had met and recommended the creating and posting of the position of secretary/senior account clerk. Commissioner Erdos further reported that the Personnel/Procurement/Insurance Committee was recommending an increase in the compensation of certain employees, for the calendar year 2009. Commissioner Kulish moved the resolutions: 1) Creating, providing for the posting of and ensuring ongoing coverage for the duties associated with the position of secretary/senior account clerk; and 2) Adjusting the annual salary of certain Authority Employees. The motion was seconded by Commissioner Rachlin and was unanimously ordered approved.

Operations

Mr. Hummel reported that there were 323 solid waste flow inspections/investigations conducted during the month of August 2009 (282 type 13 and 41 type 10). He noted that a majority of cases instituted during the month of August are presently active and still undergoing the inspectional process.

Mr. Hummel noted that the Solid Waste Enforcement Division took the following actions:

- 1) As previously reported, it was determined that the Horwith Trucks, Inc. disposed of 288.3 tons of Union County type 13C generated waste out of state in violation of the Union County District Solid Waste Management Plan. As a result of the Divisions investigation the UCUA required Horthwith Trucks, Inc., to cease and desist out of state transportation of Union County generated waste types 13, 13C, 23, 25 and 27 and pay the applicable rate component fee for unauthorized disposal in the amount of \$8,395.30. On August 27, 2009 the UCUA received a check from Horthwith Trucks, Inc. in the amount of \$8,395.30 representing the rate component due.
- 2) On September 1, 2009 a letter was sent to Bridgewater Resources, Inc (BRI) advising them that a total of 1,188.58 tons of Type 13 Residual Waste was not returned to the Union County System for the time period of June 2007 through June 2009, which amounted to a revenue loss of \$34,611.45. The letter demanded that BRI review its own records and schedule a meeting with the UCUA to discuss this issue, no more than 10 business days after receipt of the letter.

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- 3) It was determined that US Bulk Transport, Inc., disposed of 47 tons of Union County type 13C generated waste out of stat in violation of the Union County District Solid Waste Management Plan. As a result of the Divisions investigation the Authority required US Bulk Transport, types 13, 13C, 23, 25 and 27 and pay the applicable rate component fee for unauthorized disposal in the amount of \$1,368.64.

Dr. Garg noted that the time frame between when an infraction occurred and when the Authority discovered it has been greatly reduced, even from the time frame of a year ago. This was good for the Authority, and reflects on the effectiveness of the enforcement staff.

Ms. Santiago gave the report of enforcement and settlements. She noted that Cardella Trucking is on time with their payments under the term of the settlement agreement.

Solid Waste & Recycling

Dr. Garg reported that he had received a letter from Merck requesting the removal, of an incinerator, on their property, that was used to dispose of regulated medical waste that was generated at Merck's Linden facility, from the Union County District Solid Waste Management Plan. He noted that the incinerator has not operated since July 8, 2007. Commissioner Kennedy asked questions regarding the number of incinerators Merck has on site, and why they were closing this one. Commissioner Erdos moved the resolution endorsing and recommending an amendment to the Union County District Solid Waste Management Plan, by way of an Administrative Action deleting the Linden, New Jersey, Merck & Co., Inc. small-scale thermal destruction facility. The motion was seconded by Commissioner Kulish and was unanimously ordered approved by a roll call vote.

New Business

There were no items of New Business.

Public Comment

There were no members of the public wishing to speak.

Report of Committees, Staff & Counsel – Executive Session I

Mr. Bodek read the following motion:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the exclusion of the public from meetings 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:

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- 1) *Contracts*
 - a. *Solid Waste Disposal Agreement*
 - b. *Rahway Host Community Agreement*

WHEREAS, minutes will be kept of the executive session and once the matter(s) 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's Board of Commissioners that the public be excluded from this meeting.

Commissioner Kulish moved the above resolution to go into executive session. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote.

Mr. Bodek reminded the public that 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 6:55 p.m.

Upon motion of Commissioner Erdos, seconded by Commissioner Huff and approved unanimously by a roll call vote, with Commissioners Kennedy and Rachlin absent from the room the Authority returned to public session at 7:36 p.m.

Commissioners Kennedy and Rachlin returned to the room.

Report of Committees, Staff & Counsel – Executive Session II

Mr. Bodek read the following motion:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the exclusion of the public from meetings 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) *Personnel*
 - a) *Reassignment of certain job responsibilities.*

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WHEREAS, minutes will be kept of the executive session and once the matter(s) 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's Board of Commissioners that the public be excluded from this meeting.

Commissioner Huff moved the above resolution to go into executive session. The motion was seconded by Commissioner Jorn and was unanimously ordered approved by a roll call vote.

The Authority convened into executive session at 7:38 p.m.

Upon motion of Commissioner Erdos, seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote, the Authority reconvened into public session at 7:40 p.m.

Report of Committees Staff & Counsel – Public Session II

There were no reports.

Unfinished Business

There were no items of unfinished business.

Public Comment by Commissioners/Freeholder Liaison Chester Holmes

There were no comments.

There being no business to come before the Authority, Commissioner Kulish moved to adjourn the meeting. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

Edward Kahn
Chairman

James Kennedy
Acting Secretary

