



UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

Union County Utilities Authority August 17, 2011 Regular Meeting

Chairman Kulish called the meeting to order at 6:37 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, Secretary Kennedy, Treasurer People, Commissioners Badri, Eastman, Erdos, and Huff. Also present was alternate Commissioner Lombardo.

Commissioners Absent: Commissioners Kahn. Also absent was alternate Commissioner Jorn.

Others Present: Thomas Brennan and Denise Santiago of the Authority's staff; Jonathan Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Rich Bauch and Doug Zucker of Bauch, Zucker, Hatfield, LLC; Dennis Enright (7:21pm) of NW Financial; Ed Trainia of CME; James McQueeny and Joseph Orlando of Winning Strategies; Freeholder Liaison Dan Sullivan; Clerk Lisa M. Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kulish led the Pledge of Allegiance.

Chairman Kulish designated alternate Commissioner Lombardo to act for Commissioner Kahn.

Mr. Bodek provided Proof of Notice of the meeting.

Approval of Minutes

Commissioner Eastman moved for approval of the public session minutes of the July 20, 2011 regular meeting, the July 28, 2011 special meeting and the executive session minutes of June 15, 2011 meeting, the June 30, 2011 meeting, the July 20, 2011 meeting and the July 28, 2011 meeting. The motion was seconded by Commissioner Badri and was ordered approved by a roll call vote, with all voting yes except Commissioner People who abstained on the executive minutes of June 30, 2011, and Commissioner Eastman and Commissioner Badri whom abstained on the minutes of the public and executive session of July 28, 2011.

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Report of Officers

There were no reports from the officers.

Communications

There were no communications.

Report of Committees, Staff & Counsel – Public Session I

Finance and Budget Committee

Commissioner Jackus reported that the Finance and Budget Committee had met and recommends approval of the resolutions for payment of the bills, the 2010 Authority Audit and the professional authorization for Bauch, Zucker, Hatfield, LLC. Commissioner Jackus 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; 3) Certifying to the Local Finance Board its compliance regarding the annual audit pursuant to N.J.S.A 40A:5A-17; and 4) Increasing the CAP for Bauch, Zucker, Hatfield, LLC. in their existing professional services contract. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Personnel/Procurement/Insurance Committee

Commissioner Erdos reported on the meeting of Personnel/Procurement/Insurance Committee, and that the Committee recommended approval of the revised employee handbook. She then moved the resolution approving the revised employee handbook. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Operations Committee

Ms. Santiago reported on the field operations and investigations for the month of July 2011. She noted that there were 369 Solid Waste investigations, 312 Type 13 and 57 Type 10. She noted that a majority of the cases instituted during the month of July are presently active and still undergoing the inspectional process.

Ms. Santiago reported that the Authority's quarterly report has been submitted to the County's Environmental Health Agency. She noted that there were 1404 investigations that were logged for the quarter t \$5,071.00 in penalties had been collected.

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Solid Waste and Recycling Committee

Mr. Brennan reported that the Type 10 Waste, through July, was 186,000 tons delivered. He noted that we are down about 1700 tons from last year. He noted the amount of Type 13 Waste that we are down for the year.

Public Comment

The Clerk read the rules under which public comment would be allowed. There was no public comment.

Report 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) Covanta Project Team Update - Contract*
- 2) Personnel matters Covered by the Attorney-Client Privilege*

Whereas, minutes will be kept of the executive session and once the matter above no longer requires confidentiality, the minutes, or appropriate portions thereof, of the executive session will be made available to the public; and

Whereas, the public is now being informed that the Authority may take official action at the conclusion of the executive session.

Now therefore be it resolved by the Union County Utilities Authority Board of Commissioners that the public be excluded from this meeting.

Commissioner Badri moved the resolution for executive session. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:47 p.m.

Commissioner Erdos 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 7:25 p.m.

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Report of Committees Staff & Counsel – Public Session II

Commissioner Erdos moved the resolution approving a separation agreement and mutual general release with Sunil K. Garg, PhD., Esq. The motion was seconded by Commissioner Jackus and was unanimously ordered approved by a roll call vote.

Commissioner Kennedy moved the resolution appointing Daniel Sullivan as interim executive director to the Authority. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote. Mr. Sullivan thanked the Commissioners for their support and pledged his cooperation.

Commissioner Kennedy moved the resolution 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 Erdos and was unanimously approved by a roll call vote.

Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan

There were no comments.

There being no further business to come before the Authority, Commissioner Erdos moved to adjourn the meeting. The motion was seconded by Commissioner Kennedy and was unanimously ordered approved by a voice vote. The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

John G. Kulish

James Kennedy



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Union County Utilities Authority August 24, 2011 Special Meeting

Vice-Chairman Jackus called the meeting to order at 6:05 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 (via phone), Vice-Chairman Jackus, Secretary Kennedy (via phone), Treasurer People, Commissioners Badri, Eastman, Erdos, and Kahn (via phone). Also present was alternate Commissioner Lombardo.

Commissioners Absent: Commissioner Huff. Also absent was alternate Commissioner Jorn.

Others Present: Daniel Sullivan and Thomas Brennan of the Authority's staff; Jonathan Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Dennis Enright of NW Financial; Deputy Clerk Lisa M. Miskiewicz and Clerk Joseph C. Bodek.

Vice-Chairman Jackus led the Pledge of Allegiance.

Vice-Chairman Jackus designated alternate Commissioner Lombardo to act for Commissioner Huff.

Mr. Bodek provided Proof of Notice of the meeting.

Public Comment

The Clerk read the rules under which public comment would be allowed. There were no comments from the public.

Report 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) Matters pertaining to the refinancing of the Authority's Debt - contracts/negotiations*
- 2) Matters pertaining to the issuing of bonds – Attorney Client Privilege*
- 3) Covanta Project Team update – contracts*

Whereas, minutes will be kept of the executive session and once the matter above no longer requires confidentiality, the minutes, or appropriate portions thereof, of the executive session will be made available to the public; and

Whereas, the public is now being informed that the Authority may take official action at the conclusion of the executive session.

Now therefore be it resolved by the Union County Utilities Authority Board of Commissioners that the public be excluded from this meeting.

Commissioner Badri 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 6:08 p.m.

Commissioner Lombardo moved to return to public session. The motion was seconded by Commissioner Badri and was ordered approved by a roll call vote. The Authority returned to public session at 6:17 p.m.

Report of Committees Staff & Counsel – Public Session II

Commissioner People moved the amended and restated resolution authorizing the issuance of solid waste system bonds of the Union County Utilities Authority. The motion was seconded by Commissioner Jackus and was unanimously ordered approved by a roll call vote.

Commissioner Badri moved the amended and restated resolution authorizing the issuance of Resource Recovery Facility lease revenue bonds of the Union County Utilities Authority. The motion was seconded by Commissioner Jackus and was unanimously ordered approved by a roll call vote.

Mr. Sullivan informed the Commissioners that the scheduling of the McEnroe hearing had to be discussed. (Commissioner Kahn left). He noted that the hearing had to be scheduled for September 12, 2011. The hearing would be called for 7:00 pm and the special meeting would be held in conjunction with that. Mr. Williams explained that the McEnroe hearing could be held by the Authority, and the Freeholders would hold the hearing on the Plan Amendment. He also explained the timing for these meetings.

Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan

There were no comments.

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There being no further business to come before the Authority, Commissioner Badri 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 6:22 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

John G. Kulish

James Kennedy

