

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY

Resolution No.: 42-2025 |
Date: July 16, 2025

Approved as to form:

Bianka Vargas, Clerk

Approved as to sufficiency of funds:

John Cuiffe, Acting Comptroller

[] YES [] NO [X] NONE REQUIRED

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AMENDING RESOLUTION 93-2024 TO CONFIRM AN ELEMENT OF THE AUTHORITY'S PREVIOUSLY AUTHORIZED CONTRACT WITH WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE DISPOSAL OF SOLID WASTE TYPES 13, 13C, 23 AND 27 GENERATED IN UNION COUNTY.

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the "SWMA"), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and

WHEREAS, the Union County District Solid Waste Management Plan (the "County Plan"), developed in accordance with the SWMA, was initially adopted by the County of Union (the "County") on June 7, 1979 and certified by the New Jersey Department of Environmental Protection ("NJDEP") on August 13, 1980, and has since been amended from time to time; and

WHEREAS, the Union County Utilities Authority ("UCUA") was created by the County, in accordance with the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., by an Ordinance adopted on June 5, 1986, as amended on December 11, 1986, and has been designated by the County, pursuant to and in accordance with the SWMA, as the agency responsible for implementation of the County Plan; and

WHEREAS, in response to Atlantic Coast Demolition & Recycling, Inc. v. Bd. of Chosen Freeholders of Atlantic County, 112 F.3d 652 (3d Cir. 1997), cert. den. 522 U.S. 966 (1997) ("Atlantic Coast"), the County Plan was amended to, among other things, re-affirm the County's disposal strategy, based upon regulatory flow control, as to Solid Waste Types 13 (including Type 13C), 23 and 27 generated within the County ("Non-Processible Waste"); and

WHEREAS, by way of Resolution 94-2023, following a non-discriminatory procurement process consistent with applicable law, the UCUA awarded a three (3) year contract to Waste Management of New Jersey, Inc. ("WMI") for the provision of disposal services for Non-Processible Waste commencing on or about June 20, 2024, which contract was the subject of a plan amendment approved by the UCUA, the County of Union and by the New Jersey Department of Environmental Protection; and

WHEREAS, it has been determined that the subject Resolution contained a minor scrivener's error as to the Year 2 per ton costs of disposal under the parties' disposal services contract, which the UCUA wishes to correct through this amendatory resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Union County Utilities Authority as follows:

Section 1. The aforesaid recitals are hereby incorporated by reference, as if set forth at length herein.

Section 2. Resolution 94-2023 is hereby amended only to reflect that the Year 2 per ton cost for the subject solid waste disposal services, commencing as of June 20, 2025, is \$94.50 per ton which figure is consistent with the parties' fully executed contract duly authorized by said resolution which is otherwise unchanged and shall remain in full force and effect.

Section 3. The Executive Director of UCUA is hereby authorized and directed to take all actions to the extent necessary to effectuate the terms of the amendatory resolution.

Section 4. Notice of this action shall be published to the extent required by law.

Section 5. This Resolution shall take effect immediately.

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Eastman</i>	✓		✓				
<i>Figueiredo</i>	✓		✓				
<i>Holder</i>	✓		✓				
<i>Jackus</i>		✓					
<i>Kahn</i>	✓		✓				
<i>McManus</i>	✓		✓				
<i>Rachlin</i>	✓		✓				✓
<i>Scutari</i>	✓		✓			✓	
<i>Szpond</i>	✓		✓				
<i>Alma, Alternate No. 1</i>		✓					
<i>Scott-Bey, Alternate No. 2</i>	✓		✓				