



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority

August 20, 2014

Regular Meeting

Secretary Kennedy called the meeting to order at 6:30 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: Secretary Kennedy, Commissioners Eastman, Jackus, Kahn and Kulish. Also present were alternate Commissioners Bonanno and Lombardo.

Commissioners Absent: Chairman Huff, Vice-Chairman Erdos, Treasurer People and Commissioners Badri.

Others Present: Daniel Sullivan and Thomas Brennan of the Authority's staff; Kraig Dowd and Guido Weber of Weber Dowd Law; Jonathan Williams of DeCottis Fitzpatrick & Cole; Ed Trainia of CME; Dennis Enright of NW Financial; Deputy Clerk Lisa M. da Silva; and Clerk Joseph C. Bodek

Secretary Kennedy appointed Alternate Commissioner Bonanno for Commissioner Badri and Alternate Commissioner Lombardo for Commissioner Erdos.

Chairman Huff led the Pledge of Allegiance..

Mr. Bodek provided Proof of Notice of the meeting.

Approval of Minutes

Commissioner Bonanno moved for the approval of the minutes of public meeting of July 16, 2014 and the executive session of July 16, 2014. The motion was seconded by Commissioner Eastman and was unanimously ordered approved by a roll call vote.

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 on the meeting of the Finance and Budget Committee. The Committee met and recommended approval of the bill list. Commissioner Eastman 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 and 3) Approving legal services vouchers relating to employee stipend fact finding inquiry for processing and payment. The motion was seconded by Commissioner Kahn and were unanimously ordered approved by a roll call vote.

Commissioner Jackus reported on the annual audit. Commissioner Eastman moved the resolution certifying to the Local Finance Board its compliance regarding annual audit pursuant to N.J.S.A. 40A:5A-17. The motion was seconded by Commissioner Kulish and was unanimously ordered approved by a roll vote.

Personnel/Procurement/Insurance

Commissioner Kulish reported that the PPI Committee recommended approval of the award of the bid for restoration of the boardwalk. Mr. Sullivan spoke about the damaged caused to the boardwalk by Hurricane Sandy. He noted the first amount offered by FEMA, to rebuild the boardwalk and that it was far less than the cost in the bids. Mrs. DaSilva met numerous times with FEMA representatives and got them to substantially increase the amount of the reimbursement that was being proposed, thereby allowing the reconstruction of the boardwalk to move forward. Commissioner Kulish moved the resolution awarding a contract to CMS Construction Inc. to restore the Rahway river boardwalk damaged by tropical storm Sandy. The motion was seconded by Commissioner Eastman and was unanimously ordered approved by a roll call vote.

Operations

Commissioner Kahn reported on the meeting of the Operations Committee and its recommendation. Commissioner Kahn then moved the resolution authorizing the disposal of certain archived Authority files. The motion was seconded by Commissioner Eastman and was unanimously ordered approved by a roll call vote.

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Policy, Ethics and By-Laws

Commissioner Jackus reported on the meeting of the Policy, Ethics and By-Laws Committee and its recommendation. Commissioner Kulish moved the resolution directing the undertaking of a continuing disclosure review and authorizing participation in the Municipalities Continuing Disclosure Cooperation Initiative of the Securities and Exchange Commission. The motion was seconded by Commissioner Jackus and was unanimously ordered approved by a roll call vote.

Solid Waste & Recycling

Commissioner Eastman moved the resolution recommending an administrative action plan amendment for a transfer of a general approval and change in ownership of a Class D recycling center, located in Elizabeth, New Jersey from Full Circle Manufacturing Group to Glyeco. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a roll call vote.

Public Information

Commissioner Jackus explained the reasons to amend the annual meeting schedule. Commissioner Kulish moved the resolution revising the annual meeting for the period September 2014 through the Authority's reorganization meeting in February 2015. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a roll call vote.

New Business

There were no items of New Business

Public Comment

The Clerk read the rules under which public comment would be permitted.

There were 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

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Whereas, the Board of Commissioners wishes to discuss the following issues:

- 1) *Contracts – Shared services agreement between UCUA and UCIA.*
- 2) *Litigation/potential litigation/Attorney Client Privilege – UCUA v DHRC*

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

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 Board of Commissioners that the public be excluded from this meeting.

Commissioner Lombardo moved the resolution to go into executive session. The motion was seconded by Commissioner Kulish and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:43 pm.

Commissioner Kulish moved to return to public session. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a voice vote. The Authority returned to public session at 6:56 pm.

Report of Committees, Staff & Counsel – Public Session II

Commissioner Kahn moved the resolution authorizing a settlement agreement by and between the Authority, Delaware and Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway, Inc. and Bond Safeguard Insurance Company in connection with litigation instituted by the Authority and pending in the Federal District Court of New Jersey. The motion was seconded by Commissioner Kulish and was unanimously ordered approved by a roll call vote.

Commissioner Kulish moved the resolution 1) Approving an amendment and five-year extension of the shared services agreement with the Union County Improvement Authority for the provision of office space and 2) Authorizing the Utilities Authority's executive director to continue serving as the Improvement Authority's interim executive director. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote.

Unfinished Business

There were no items of unfinished business.

Public Comment by Commissioners/Freeholder Liaison Chris Hudak

There were no comments.

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There being no further business to come before the Authority, Commissioner Eastman moved to adjourn the meeting. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 6:58 pm.

Respectfully submitted,



Joseph C. Bodek
Clerk

James Huff
Chairman

James Kennedy
Secretary