



# UNION COUNTY UTILITIES AUTHORITY

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RESOLUTION NO.: 87-2014

DATED: October 15, 2014

## RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY AUTHORIZING A SETTLEMENT AGREEMENT BY AND BETWEEN THE AUTHORITY AND HAMLETTE DISPOSAL, INC.

APPROVED AS TO FORM:  
Lisa M. da Silva, RMC  
Deputy Clerk of the Authority

By: Lisa M da Silva

APPROVED AS TO SUFFICIENCY OF FUNDS  
 YES  NO  NONE REQUIRED  
UNION COUNTY UTILITIES AUTHORITY

By: [Signature]

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>		7					
<i>Eastman</i>	7		7			7	
<i>Jackus</i>	77		77				
<i>Kahn</i>	77		77				7
<i>Kennedy, Secretary</i>	7		7				
<i>Kulish</i>		7					
<i>People, Treasurer</i>	7		7				
<i>ErDOS, Vice Chairwoman</i>		7					
<i>Huff, Chairman</i>	77		77				
<i>Bonanno, Alternate</i>	77		77				
<i>Lombardo, Alternate</i>		7					

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**RESOLUTION OF THE UNION COUNTY UTILITIES  
AUTHORITY AUTHORIZING A SETTLEMENT AGREEMENT BY  
AND BETWEEN THE AUTHORITY AND HAMLETTE DISPOSAL,  
INC.**

**WHEREAS**, the County of Union, New Jersey has previously adopted, and amended from time to time, the Union County District Solid Waste Management Plan in accordance with the New Jersey Solid Waste Management Act for the purpose of managing the disposal and/or recycling of solid waste generated in Union County; and

**WHEREAS**, the Union County Board of Chosen Freeholders has designated the Union County Utilities Authority (the "Authority"), in accordance with the Solid Waste Management Act, to serve as the implementing agency for its District Solid Waste Management Plan; and

**WHEREAS**, the Authority owns the Union County Resource Recovery Facility, a 1540 tons per day waste-to-energy facility, located in the City of Rahway, New Jersey (the "UCRRF") which has been leased to and is operated by Covanta Union, Inc. ("Covanta"), formerly known as Ogden Martin Systems of Union, Inc., as part of a restructuring undertaken by the Authority in 1998 following the decision in Atlantic Coast Demolition and Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County et al., 112 F.3d 652 (3d Cir. 1997), cert. den. 522 U.S. 966 (1997); and

**WHEREAS**, on February 4, 2014, the Authority filed a Complaint against Hamlette Disposal, Inc. in the Superior Court of New Jersey, Union County Vicinage, entitled, *Union County Utilities Authority v. Hamlette Disposal Inc., et al.*, Docket No.: UNN-L-0395-14 ("the Litigation") to recover the outstanding balance owed to the Authority for tipping fees associated with Hamlette's delivery of Union County generated solid waste to the UCRRF; and

**WHEREAS**, the Parties to the Litigation wish to resolve the Authority's claim in an effort to avoid further disputes and litigation with their attendant inconveniences and expenses.

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

1. The Authority hereby approves the terms of the attached Settlement Agreement, which includes, among other things, an initial lump sum payment to the Authority of one hundred-sixty thousand dollars (\$160,000.00), followed by sixty (60) monthly installment payments, mutual releases by all parties, and the entry of Consent Judgment, as set forth in greater detail within the Settlement Agreement.
2. The Authority further approves and authorizes the execution of the Assignment Agreement which is attached as an exhibit to the Settlement Agreement, which provides for the payment of the settlement monies by and through Hamlette's legal counsel who shall act as an escrow agent for monies due Hamlette in the pending sale of Hamlette's assets.

3. The Authority authorizes and directs the Authority's Executive Director, with the assistance of General Counsel as needed, to execute the Settlement Agreement and the Assignment Agreement in substantially the same forms as are attached hereto and take whatever further steps and measures may be necessary to effectuate the terms of the agreement and the directives and intent of this Resolution.
4. This Resolution shall take effect immediately.