



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority July 20, 2011 Regular Meeting

Chairman Kulish called the meeting to order at 6:47 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, Erdos, Huff and Kahn. Also present was alternate Commissioner Lombardo.

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

Others Present: Thomas Brennan and William Neasfey of the Authority's staff; Jonathan Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Rich Bauch of Bauch, Zucker, Hatfield, LLC; Dennis Enright of NW Financial; Ed Trainia of CME; 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 Eastman.

Mr. Bodek provided Proof of Notice of the meeting.

Approval of Minutes

Commissioner Badri moved for approval of the public session minutes of the June 15, 2011 regular meeting, the June 30, 2011 special meeting and the July 7, 2011 special meeting. The motion was seconded by Commissioner Kahn and ordered approved by a roll call vote, with all voting yes except Commissioner People who abstained on the minutes of June 30, 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 Kahn reported that the Finance and Budget Committee had met and recommends approval of the resolutions for payment of the bills and the professional authorization for DeCotiis, Fitzpatrick & Cole. Commissioner Kahn moved the following resolutions: 1) Resolution approving operating and resource recovery facility vouchers for processing and payment; 2) Approving consulting and legal vouchers for processing and payment; and 3) increasing the CAP for DeCotiis Fitzpatrick and Cole, LLP 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

There was no report.

Operations Committee

Mr. Neafsey reported on the field operations and investigations for the month of June 2011. He noted that there were 481 Solid Waste investigations, 143 Type 13 and 388 Type 10. He noted that a majority of the cases instituted during the month of April are presently active and still undergoing the inspectional process.

Mr. Brennan noted that there was no report on enforcement and settlements as Ms. Santiago was on vacation.

Solid Waste and Recycling Committee

Mr. Brennan reported that the Type 10 waste has leveled off from 2009/2010. There is a net difference of 65 tons. He explained what it was based on. He also noted that Type 13 waste is down about 3,000 tons, from one year to the next. He stated that the Authority is still pretty much on line for its budget.

Public Comment

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

Eddie B. Smith, 1280 Clark St., Rahway. Mr. Smith noted that he had appeared before the Authority on several previous occasions regarding the same issue, has the Authority and the City of Rahway concluded the negotiations regarding host-community benefits. Mr. Dowd responded that the negotiations are ongoing, and that there is nothing further that can be disclosed, at this time. Mr. Smith then stated that he did not see anything on the agenda referencing an executive session, and asked if these matters would be discussed in public session, later in the meeting. Chairman Kulish noted that item 12, on the agenda, noted the executive session.

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*
- 2) *Attorney-Client Issues*

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 Kahn 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 6:55 p.m.

Commissioner Erdos moved to return to public session. The motion was seconded by Commissioner Huff and was ordered approved by a roll call vote. The Authority returned to public session at 7:33 p.m.

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Report of Committees Staff & Counsel – Public Session II

Commissioner Kahn moved the resolution terminating employment of an employee. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Mr. Dowd explained the resolution amending the executive session minutes of the meeting of May 18, 2011, and noted that if the resolution was to be discussed it would have to be in executive session. He asked the Commissioners to review the resolution. Commissioner Kennedy was not supplied with a copy. Commissioner Erdos moved the resolution approving an amendment to a portion of the executive session minutes of May 18, 2011. The motion was seconded by Commissioner Badri and was ordered approved, with all voting yes except Commissioner Kennedy, who abstained.

Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan

There were no comments.

There being no further business to come before the Authority, Commissioner Kennedy moved to adjourn the meeting. The motion was seconded by Commissioner Erdos and was unanimously ordered approved by a voice vote. The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

John G. Kulish
Chairman

James Kennedy
Secretary