



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority January 18, 2012 Regular Meeting

Chairman Kulish called the meeting to order at 6:34 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, Treasurer People, Secretary Kennedy, Commissioners Badri, Eastman, Erdos and Huff. Commissioner Badri arrived at 6:37 pm. Also present were alternate Commissioners Bonano and Lombardo.

Commissioners Absent: Commissioner Kahn.

Others Present: Daniel Sullivan and Tom Brennan of the Authority's staff; Kraig Dowd of Weber Dowd Law; Freeholder Liaison Chris Hudak (6:45 pm); Ed Trainia of CME; Deputy Clerk Lisa M. Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kulish led the Pledge of Allegiance.

Mr. Bodek provided Proof of Notice of the meeting.

Chairman Kulish welcomed Alternate Commissioner Bonanno aboard and then designated him to act for Commissioner Kahn.

Approval of Minutes

Commissioner Badri moved the resolution approving the public and executive session minutes of December 21, 2011 and the public session minutes of the Special meeting of December 21, 2011. The motion was seconded by Commissioner People and was approved by a voice vote with all voting in favor except Commissioners Huff and Bonanno who abstained.

Communications

There were no communications.

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Report of Officers

There were no reports from the officers.

Reports of Committees, Staff & Counsel – Public Session I

Finance and Budget

Commissioner Jackus reported that the Finance and Budget Committee had met and reviewed the bill list, Professional Authorizations and the resolutions pertaining to the annual budget and joint insurance fund membership. The Committee recommended approval of these resolutions. 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 payments; 3) Authorizing the adoption of the annual budget for the fiscal year January 1, 2012 to December 31, 2012; and 4) Renewing Authority membership in the New Jersey Utility Authority Joint Insurance Fund. The motion was seconded by Commissioner Erdos and was unanimously ordered approved by a roll call vote.

Personnel/Procurement/Insurance

There was no report.

Operations

There was no report.

Solid Waste & Recycling

Mr. Dowd explained the proposed settlement agreement and the interim MRF agreement with the Plainfield Municipal Utilities Authority (PMUA). Commissioner Kennedy moved the resolutions approving and authorizing the execution of a settlement agreement and an interim MRF agreement with the PMUA. The motion was seconded by Commissioner Badri and was unanimously ordered approved.

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New Business

There were no items of new business.

Public Comment

The Clerk read the statement under which public comment would be allowed.

Fabio from A&S Sanitation Services. Fabio questioned the MRF agreement with the PMUA. In response Mr. Dowd stated that once the agreement was fully executed, around February 1, 2012, A&S Sanitation, as a private hauler could begin taking Type 13, 13C, 23 and 27 wastes there. Fabio

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noted that the fact that if a settlement agreement had to be made then at some point the PMUA broke the law. He felt that this agreement was giving them a license to break the law again. Fabio also asked questions regarding how the Authority would monitor the amount of waste delivered to this facility to which Mr. Dowd responded. Next Fabio spoke about a meeting, with Mr. Sullivan, in which haulers were told that their rates would be decreased by \$3.00 per ton and that they then received a letter indicating that rates would be going up \$3.00 per ton. He warned that the more the rates were increased then less waste would be delivered to the facility.

He continued that with those numbers the Authority would not reach the numbers they need to meet the requirements of its put or pay contract with Covanta.

Reports 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) Project Team Updates – Contracts.*
- 2) Litigation and Settlements – Litigation and Negotiations*
- 3) Employee Contracts - Personnel*
- 4) Enforcement Personnel - Personnel*

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

The motion for executive session was moved by Commissioner Badri. It was seconded by Commissioner Erdos and unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:43 pm.

Commissioner Erdos moved to return to public session. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote. The Authority returned to public session at 6:52 pm.

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Reports of Committees, Staff & Counsel – Public Session II

Commissioner Jackus moved the resolutions 1) Authorizing the hiring of certain solid waste enforcement personnel; and 2) Adjusting the annual salaries of certain authority staff. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Unfinished/Old Business

Chairman Kulish noted that this was the last meeting of his term. He thanked all for their hard work to get us through the past year.

Commissioner Jackus thanked Chairman Kulish for his efforts to lead the Authority through the last year, particularly the restructuring. He added that he thought we are being lead by an excellent executive director.

Mr. Sullivan spoke about the meeting with the haulers and clarified some of the statements made by Fabio earlier. He noted that it had been made clear that the \$3.00 per ton decrease in the rates was going to the municipalities.

Mr. Brennan also commented to clarify the issues raised by the haulers. Commissioner Bonanno asked questions to determine what the current tipping rates were. Commissioner Kennedy noted that during the last twenty years the tipping fee has been the only cost to municipalities that has decreased.

Public Comments by Commissioners/Freeholder Liaison Chris Hudak

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 Bonanno, and was unanimously ordered approved by a voice vote. The meeting was adjourned at 6:58 pm.

Respectfully submitted,

Joseph C. Bodek
Clerk

John Kulish
Chairman

James Kennedy
Secretary