



# ***UNION COUNTY UTILITIES AUTHORITY***

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**Union County Utilities Authority  
February 8, 2012  
Reorganization Meeting**

Kraig Dowd, General Counsel, called the meeting to order at 6:35 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: Commissioners Eastman, Erdos, Huff, Jackus, Kahn, Kennedy, and People. Also present were alternate Commissioners Bonanno and Lombardo.

Commissioners Absent: Commissioners Badri and Kulish

Others Present: Daniel Sullivan and Tom Brennan of the Authority's staff; Kraig Dowd of Weber Dowd Law; Freeholder Liaison Chris Hudak; Tim Gillen of CME; Jonathan Williams of DeCotiis, Fitzpatrick & Cole; Dennis Enright of NW Financial; Deputy Clerk Lisa Da Silva and Clerk Joseph C. Bodek.

Mr. Dowd led the Pledge of Allegiance.

Mr. Bodek provided Proof of Notice of the meeting.

Mr. Dowd appointed Alternate Commissioner Bonanno to act for Commissioner Kulish and Alternate Commissioner Lombardo to act for Commissioner Badri.

## **Election of Officers**

Mr. Dowd asked for nominations for the position of Chairman of the Authority for 2012. Commissioner Kennedy nominated Commissioner Jackus. The motion was seconded by Commissioner Kahn. Mr. Dowd asked if there were any other nominations. Seeing none nominations were closed. Upon a roll call vote Commissioner Jackus was unanimously elected Chairman for 2012. Chairman Jackus assumed the chair and thanked all of the Commissioners for their vote of confidence.

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Chairman Jackus asked for nominations for the position of Vice-Chairman of the Authority for 2012. Commissioner Kennedy nominated Commissioner Kahn. The motion was seconded by Chairman Jackus. Chairman Jackus asked if there were any other nominations. Seeing none, nominations were closed. Upon a roll call vote Commissioner Kahn was unanimously elected Vice-Chairman for 2012.

Chairman Jackus asked for nominations for the position of Treasurer of the Authority for 2012. Commissioner Kennedy nominated Commissioner People. The motion was seconded by Chairman Jackus. Chairman Jackus asked if there were any other nominations. Seeing none, nominations were closed. Upon a roll call vote Commissioner People was unanimously elected Treasurer for 2012.

Chairman Jackus asked for nominations for the position of Secretary of the Authority for 2012. Chairman Jackus nominated Commissioner Kennedy. The motion was seconded by Commissioner Erdos. Chairman Jackus asked if there were any other nominations. Seeing none, nominations were closed. Upon a roll call vote Commissioner Kennedy was elected Secretary for 2012, with all voting in favor except Commissioner Kennedy, who abstained.

### Appointment of Committees

Chairman Jackus noted that for the time being he was reappointing the Commissioners to the committees they served on last year. He would make changes, if any, at next month's meeting. Commissioner Kennedy moved the resolution confirming the committee appointments made by the chairperson of the Authority for 2012-2013. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote.

### Approval of Minutes

Commissioner Kennedy moved for approval of the public and executive session minutes of January 18, 2012. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote.

### Report of Officers

There were no reports from the officers.

### Report of Committees, Staff & Counsel – Public Session I

#### **Finance & Budget**

Commissioner Kahn reported that the Finance & Budget Committee had met and recommended approving the bill list, designation of financial institutions, and approving professional authorization. Commissioner Kahn 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; 3) Designating certain financial institutions as

official depositories for the monies of the Authority in accordance with N.J.S.A. 40A:5-14 for the year 2012; and 4) Increasing the CAP for Winning Strategies in their existing professional services contract. The motion was seconded by Commissioner Erdos and was unanimously ordered approved by a roll call vote.

### **Personnel/Procurement/Insurance**

Commissioner Erdos reported that the Personnel/Procurement/Insurance Committee met and reported that they recommended approval of the resolutions qualifying firms, appointing consultants and professionals, appointing general counsel, appointing a qualified purchasing agent and designation of an affirmative action & public agency compliance officers. Chairman Jackus then moved the following resolutions: 1) Adopting a list of firms qualified to perform various services to the Authority pursuant to a request for qualifications process; 2) Appointing and reappointing certain professionals and consultants to the Authority; 3) Appointing Kraig M. Dowd, Esq., of the firm Weber Dowd Law, LLC as General Counsel; 4) reappointing Joseph C. Bodek as qualified purchasing agent; and 5) Reappointing Thomas Brennan as the Affirmative Action and Public Agency Compliance Officer for the Authority. The motion was seconded by Commissioner Kennedy and was unanimously ordered approved by a roll call vote.

### **Public Information**

Mr. Dowd reviewed the resolutions that were being recommended for approval. Commissioner Kennedy moved the following resolutions: 1) Establishing a meeting schedule for the period March 2012 through the Authority's reorganization meeting in February 2013; and 2) Designating the official newspaper for the Authority as the Union County Local Source and authorizing the use of the Home News Tribune, the Star Ledger and laVoz as supplemental newspapers. The motion was seconded by Commissioner Erdos and was unanimously ordered approved by a roll call vote.

### **Policy, Ethics & By-laws**

Mr. Dowd noted that there were no changes in the bylaws, from last year. Commissioner Kennedy moved the resolution authorizing the re-adoption of the bylaws of the Authority. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote.

### **Operations:**

Mr. Sullivan reported that today the Authority received the first settlement payment of \$52,000.00 from the PMUA. He noted the payment schedule.

### **Solid Waste and Recycling**

There was no report.

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### **New Business**

Commissioner Erdos moved the resolution authorizing the continued provision of support to the Union County Solid Waste Advisory Council. The motion was seconded by Chairman Jackus and was unanimously ordered approved.

### **Public Comment**

There was no public comment.

### **Report of Committees, Staff & Counsel – Executive Session**

Mr. Bodek informed the Commissioners that there was no need for an executive session this evening.

### **Old/Unfinished Business**

Mr. Sullivan explained the need to correct the effective date of the raises granted to certain Authority personnel at the January meeting. Commissioner Erdos moved the resolution amending Resolution 92-2011 to reflect an effective date change only, from January 1, 2012 to January 18, 2012. The motion was seconded by Chairman Jackus and was unanimously ordered approved by a roll call vote.

### **Public Comments by Commissioners/Freeholder Liaison Hudak**

Mr. Williams informed the Commissioners that there was a tax consequence to the transaction that closed the end of last year, when we took out the old bonds by issuing new ones. That tax consequence of a couple million dollars which was shared with Covanta. The Authority was obligated, by the terms of the transaction and an IRS ruling to pay part of that expense. Mr. Brennan noted that he had to send a letter, to the escrow agent, authorizing the release of those funds. He noted that he would do so tomorrow. Mr. Williams explained that the escrow resolution delegated to Mr. Sullivan and Mr. Brennan the authority to make the payment. However since the funds have remained in escrow, waiting the confirmation of the specific amount, till this time, he wanted to make the Board aware that the payment was being made. Mr. Enright further explained the reasons for this. There were no questions on this.

Chairman Jackus thanked the Commissioners for their vote of confidence in making him Chairman.

There being no further business to come before the Authority, Commissioner Kennedy moved to adjourn the meeting. The motion was seconded by Commissioner Kahn, and was unanimously ordered approved by a voice vote. The meeting was adjourned at 6:53 pm.

Respectfully submitted,

Joseph C. Bodek  
Clerk

Ed Jackus  
Chairman

James Kennedy  
Secretary