



# ***UNION COUNTY UTILITIES AUTHORITY***

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## **Union County Utilities Authority October 19, 2011 Regular Meeting**

Chairman Kulish 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: Chairman Kulish, Vice-Chairman Jackus, Treasurer People, Secretary Kennedy, Commissioners Eastman, Erdos, and Kahn. Commissioner Huff arrived at 6:30 pm. Also present was alternate Commissioner Lombardo.

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

Others Present: Daniel Sullivan and Thomas Brennan of the Authority's staff; Jonathan Williams and Kevin Conti 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; 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 appointed Alternate Commissioner Lombardo to act for Commissioner Huff.

### **Approval of Minutes**

Chairman Kulish noted a correction, to the agenda, regarding the minutes that were being presented.

Commissioner Erdos moved for approval of the public and executive session minutes of the meeting of September 21, 2011 and the public session of September 12, 2011. The motion was seconded by Commissioner Jackus and was ordered approved by a voice vote, with Commissioner People abstaining on the minutes of September 12, 2011 and Commissioner Lombardo abstaining on the minutes of September 21, 2011.

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#### 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 Committee

Commissioner Kennedy reported that the Finance and Budget Committee had met and recommended approval of the resolutions authorizing the payment of bills. Commissioner Kennedy moved the following resolutions: 1) Resolution approving operating and resource recovery facility vouchers for processing and payment; and 2) Approving consulting and legal vouchers for processing and payment. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote.

Commissioner Kennedy reported that the Finance and Budget Committee also recommended approval of the resolutions increasing the cap for Bauch Zucker Hatfield, DeCotiis Fitzpatrick and Cole; and Weber Dowd Law. Commissioner Erdos moved the resolution increasing the cap for Bauch Zucker Hatfield; DeCotiis Fitzpatrick and Cole; and Weber Dowd Law in their professional authorizations. The motion was seconded by Commissioner Lombardo, and was approved by a roll call vote, with all voting in favor, except Commissioner Huff, who abstained.

Commissioner Huff arrived and Chairman Kulish appointed alternate commissioner Lombardo to act for Commissioner Badri.

Commissioner Kennedy informed all that the Committee recommended authorizing an amendment to Winning Strategies professional contract and the reasons for the amendment. Commissioner Erdos moved the resolution authorizing an amendment to Winning Strategies professional services contract. The motion was seconded by Commissioner Lombardo, and was approved by a roll call vote, with all voting in favor, except Commissioner Huff, who abstained.

##### Personnel/Procurement/Insurance Committee

There was no report for public session.

##### Operations Committee

There was no report.

## Solid Waste & Recycling Committee

Mr. Dowd explained that Environmental Waste Minimization, Inc. was a company responsible for the transportation and disposal of certain contaminated soils as part of a remediation project. As part of the project, which bears a United States Environmental Protection Agency project identification number, they need to ensure that proper environmental controls and special handling are in place. Therefore they are seeking approval to dispose of project waste at an alternate disposal site then that designated by the Authority. Commissioner Kennedy moved the resolution approving and authorizing the execution of an agreement with Environmental Waste Minimization, Inc., providing for the alternate disposal of ID Type 27 solid waste. The motion was seconded by Commissioner Huff and was unanimously 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 allowed. There was 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*

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

- 1) Covanta Project Team Update – Contract*
- 2) Negotiations – Personnel*
- 3) Attorney Client Privilege*

*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.*

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Commissioner Erdos moved the resolution for executive session. The motion was seconded by Commissioner Lombardo and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:40 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 7:05 p.m.

#### Report of Committees Staff & Counsel – Public Session II

Commissioner Lombardo moved the resolutions 1) Authorizing a conditional notice of redemption of the Union County Utilities Authority's solid waste facility lease revenue bonds (Ogden Martin systems of Union, Inc. Lessee – series 1998); and 2) authorizing a conditional notice of redemption of the Union County Utilities Authority's solid waste bonds, County deficiency agreement, series 1998. The motion was seconded by Commissioner Erdos and was unanimously approved by a roll call vote.

#### Unfinished/Old Business

There was no unfinished/old business.

#### Public Comments by Commissioners/Freeholder Liaison

There were no comments.

There being no further business to come before the Authority, Commissioner Eastman moved to adjourn the meeting. The motion was seconded by Commissioner Jackus, and was unanimously ordered approved by a voice vote. The meeting was adjourned at 7:07 pm.

Respectfully submitted,

Joseph C. Bodek  
Clerk

John Kulish  
Chairman

James Kennedy  
Secretary