



UNION COUNTY UTILITIES AUTHORITY

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Union County Utilities Authority January 20, 2010 Regular Public Meeting

Chairman Kahn called the meeting to order at 6:43 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 Kahn, Vice-Chairman Kulish, Treasure People, Acting Secretary Kennedy, Commissioners Badri, Erdos, Huff, Jackus, and Rachlin. Also present were alternate Commissioners Jorn and Lombardo.

Commissioners Absent: None.

Others Present: Thomas Brennan, Jeff Hummel; and Denise Santiago of the Authority's staff; Ed Trainia of CME; Jonathon Williams of DeCotiis, Fitzpatrick & Cole; Kraig Dowd of Weber Dowd Law; Richard Bauch of Bauch Zucker Hatfield, LLC; Freeholder Liaison Daniel Sullivan; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek. (Dr. Garg was ill and was excused.)

Chairman Kahn welcomed the new Freeholder Liaison Dan Sullivan.

Chairman Kahn led the Pledge of Allegiance.

Mr. Bodek provided Proof of Notice of the meeting.

Minutes

Commissioner Badri moved the resolution approving the regular session and executive session minutes of the regular meeting of December 16, 2010 and the minutes of the December 16, 2009 Annual Meeting. The motion was seconded by Commissioner Erdos and was ordered approved by a roll call vote, with all voting in favor except for Commissioner People who abstained on the minutes of the December 16, 2010 Annual Meeting.

Communications

Mr. Bodek read a letter from New Jersey State Building and Construction Trades Council AFL-CIO seeking advertisements for their ad journal.

Report of Officers
UCUA
Reg. Mtg. 1/20/10

There were no reports from the Officers.

Report of Committees, Staff & Counsel – Public Session I

Finance and Budget

Commissioner Jackus reported that the Finance and Budget Committee had met and recommended approval of the payment of the bills. Commissioner Badri moved the following resolutions: 1) 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.

Personnel/Procurement/Insurance

Commissioner Erdos reported that the Committee had met and recommended hiring the firm of Kologi Simitz to deal with certain personnel issues that have arisen. Commissioner Erdos moved the resolution awarding a professional services contract to Kologi Simitz for legal services. The motion was seconded by Commissioner People and was ordered approved by a roll call vote, with all voting in favor except Chairman Kahn, who abstained.

Operations:

Mr. Hummel reported that there were 257 solid waste flow inspections/investigations during the month of December 2009 (208 type 13 and 49 type 10). He noted that a majority of the cases instituted during the month of December are presently active and still undergoing the inspectional process.

Ms. Santiago reported that \$17,750.00 in settlements was collected during the month of December. In addition fifteen (15) penalty assessment notices were sent to the County Health Officer.

Solid Waste and Recycling

Chairman Kahn reported that a request had been received to delete the Schering Corporation small-scale thermal destruction facility from the Union County District Solid Waste Management Plan. Commissioner Badri moved the resolution endorsing and recommending an amendment to the Union County District Solid Waste Management Plan by way of administrative action deleting the Kenilworth, New Jersey, Schering Corporation small-scale thermal Destruction facility from the union County District Solid Waste Management Plan. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote.

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New Business

There was no new business.

Public Comment

Mr. Bodek read the rules under which public comment would be allowed.

Fabio Araneo from AS Sanitation spoke about the recent increase in the tipping fees at the resource recovery facility. He noted that this was not the time to do it and spoke about its impact on the small haulers. He noted that the Authority had recently received a decrease in fees from Covanta that were not passed along to the users of the facility. He compared charges at the resource recovery facility to those at a landfill. He spoke about waste that was not coming to this facility and was going out of county. He argued that all raising the rates did was cause more waste to leave the system. He asked for a letter stating that there is waste flow on type 10 waste in Union County.

Jerry Infantino spoke about the number of haulers picking up waste in Westfield, at three O'clock in the morning. He stated that these haulers are taking his customers because they are not paying \$96.00 a ton to dump their waste. He asked when the Authority was going to enforce the law.

Commissioner Kennedy left the meeting at 6:55 p.m.

Report of Committees, Staff & Counsel – Executive Session I

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) Contracts – Covanta Lease/Waste Disposal Agreement*
- 2) Personnel – Matters covered by the 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

Now therefore be it resolved by the Union County Utilities Authority Board of Commissioners that the public be excluded from this meeting.

UCUA

Reg. Mtg. 1/20/10

Commissioner Badri moved the above resolution. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 7:00 p.m.

Upon motion of Commissioner Erdos, seconded by Commissioner Badri, and unanimously ordered approved by a roll call vote, the Authority reconvened into public session at 7:30 p.m.

Freeholder Liaison Dan Sullivan left during the executive session.

Report of Committees Staff & Counsel – Public Session II

Commissioner Kulish moved the resolution appointing a project team and authorizing the project team to enter into negotiations with Covanta Union, Inc. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Unfinished Business

Commissioner Badri moved the resolution authorizing and ratifying an agreement with the City of Rahway relative to the parties' host community agreement. The motion was seconded by Commissioner Kulish, and was ordered approved, with all voting in favor except for Commissioner Rachlin, who abstained.

Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan

There being no further business to come before the Authority, Commissioner Badri moved to adjourn the meeting. The motion was seconded by Commissioner Erdos and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

Edward Kahn
Chairman

James Kennedy
Acting Secretary