



# **UNION COUNTY UTILITIES AUTHORITY**

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

## **Union County Utilities Authority July 7, 2010 Special Public Meeting**

Chairman Kulish called the meeting to order at 6:45 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 Rachlin, Commissioners Badri, Huff, Kahn, and Kennedy. Also present was Alternate Commissioner Lombardo.

Commissioners Absent: Commissioner Erdos, and Alternate Commissioner Jorn.

Others Present: Jonathon Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Richard Bauch of Bauch, Zucker Haitfield; Clerk Joseph C. Bodek.

Chairman Kulish appointed Alternate Commissioner Lombardo to act for Commissioner Erdos.

Chairman Kulish thanked the Commissioner for attending this special meeting.

Chairman Kulish led the Pledge of Allegiance.

Mr. Bodek provided Proof of Notice of the meeting.

### **Public Comment**

There was no public comment.

### **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) *UCUA/Union County Inter-local Agreement – Solid Waste Enforcement – Contracts*

UCUA  
Spec. Mtg 7/7/10

- 2) *Negotiations UCUA/Union County proposed Shared Services Agreement – Solid Waste Enforcement – Contracts.*
- 3) *Negotiations UCUA/Covanta –three party agreement with RW Beck*

*Whereas, minutes will be kept of the executive session and once the matters above no longer require 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.*

Mr. Dowd noted that item number three is being removed from the agenda.

Commissioner Rachlin moved the resolution for executive session. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote. The Authority convened into executive session at 6:47 p.m.

Commissioner Kennedy moved to return to public session. The motion was seconded by Commissioner Kahn and was unanimously ordered approved by a roll call vote. The Authority returned to public session at 7:10 p.m.

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

Commissioner Kennedy moved the resolution authorizing payment to the County of Union pursuant to the terms of the parties' interlocal services agreement. The motion was seconded by Commissioner Badri and was unanimously ordered approved by a roll call vote.

Commissioner Kennedy moved the resolution authorizing execution of a shared services agreement with the County of Union. The motion was seconded by Commissioner People and was unanimously ordered approved by a roll call vote.

Commissioner Kennedy noted that the Finance Committee discussed having General Counsel look into what occurred, in the first place, that the payment to the County of Union, under the terms of the Inter-local agreement was not made for the last three years.

### **Public Comments by Commissioners/Freeholder Liaison Daniel Sullivan**

There were no comments.

There being no further business to come before the Authority, Commissioner Badri moved to adjourn the meeting. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a voice vote. The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Joseph C. Bodek  
Clerk

John Kulish  
Chairman

Robert Rachlin  
Secretary



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Union County Utilities Authority  
Executive Session  
July 7, 2010

**TOPIC:** UCUA/Union County Solid Waste Enforcement Agreement – Contracts

**PRESENT:** Chairman Kulish, Vice-Chairman Jackus, Treasurer People, Secretary Rachlin, Commissioners Badri, Huff, Kahn, and Kennedy. Also present was Alternate Commissioner Lombardo. Others Present: Jonathon Williams of DeCotiis, Fitzpatrick, and Cole; Kraig Dowd of Weber Dowd Law; Richard Bauch of Bauch Zucker Hatfield; and Clerk Joseph C. Bodek.

Mr. Dowd handed out the proposed resolutions regarding the Solid Waste inter-local agreement and the shared services agreement – solid waste enforcement.

Mr. Dowd noted that the County and the UCUA were seven years into the return of enforcement authority to the Authority. He described the agreement that delegated the County's authority for environmental enforcement to the UCUA. He described how it was important to the waste flow enforcement program that the Authority had. That agreement is about to expire. Under the terms of that agreement the UCUA was to pay the County of Union \$75,000.00 per year for the delegation of their environmental enforcement authority to the UCUA. In 2007 those payments stopped. Mr. Dowd has confirmed that the County is owed \$265,000.00. The County wants its money. He then spoke about the collection of penalties, in court, for enforcement, by the County and how the monies are returned to the UCUA. Mr. Dowd explained that there is no dispute that the County is owed the money and that he was recommending payment. He explained that there is need for the County to enter into a new agreement, with the County, and they want to be made whole before approving the new agreement. He explained the time frames for approval of the new agreement, and approval by the DEP. Chairman Kulish informed the Commissioners that Mr. Brennan has confirmed that the County is owed the money.

Commissioner Kennedy explained the responsibility of the County is with the DEP. The original services agreement, called for a payment of \$75,000.00 per year, which hasn't been made in three years. The Finance Committee agrees that there is a need to pay these funds to the County. Commissioner Kahn asked how this matter came up. Chairman Kulish stated a letter was received, from the County making a demand for the money. Mr. Dowd provided more specifics on how the matter came up. Commissioner Kahn asked how something that had been paid for five years suddenly stopped being paid. Commissioner Kennedy informed all that the Finance Committee had asked General Counsel to look into the matter. Commissioner Kahn added that the Authority doesn't have the money available in a lump sum, therefore payments will be made as the money becomes available.

Union County Utilities Authority  
Executive Session  
July 7, 2010

**TOPIC:** UCUA/Union County proposed shared services agreement – Contracts

**PRESENT:** Chairman Kulish, Vice-Chairman Jackus, Treasurer People, Secretary Rachlin, Commissioners Badri, Huff, Kahn, and Kennedy. Also present was Alternate Commissioner Lombardo. Others Present: Jonathon Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Weber Dowd Law; Richard Bauch of ?? and Clerk Joseph C. Bodek.

Mr. Dowd asked the Commissioners to take a moment and review the proposed new shared services agreement, with the County of Union for enforcement authority. The major change, from the previous agreement, is that the payment to the County for delegation of its environmental enforcement powers goes up to \$125,000.00 per year and that it increase by 3% a year for the life of the contract. The new contract, due to a change in law, will be for a ten year period. Once the Authority and the County approve the agreement, it needs to go to the DEP for approval. If they change the form of contract then it will come back to the Authority, for review. The new agreement also contains a change in how the Authority gets paid for enforcement fines. Mr. Williams stated that he has met with Covanta and suggested that they pay the \$125,000.00 as part of their new lease agreement with the Authority. They have agreed, in principle, to the payment, however that will not be finalized until the new agreement with Covanta is finalized. It is an additional payment, by Covanta. He explained the importance, to Covanta, of the Authority continuing its enforcement efforts.

Respectfully submitted,

Joseph C. Bodek  
Clerk

John Kulish  
Chairman

Robert Rachlin  
Secretary