



# UNION COUNTY UTILITIES AUTHORITY

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## Union County Utilities Authority July 15, 2009 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 Bodek, Clerk of the Authority.

A roll call of the Commissioners showed the following present: Chairman Kahn, Treasurer People, Commissioners Erdos, Huff, and Rachlin. Also present were alternate Commissioners Jorn and Lombardo.

Commissioners Absent: Vice-Chairman Kulish, Acting Secretary Kennedy, Commissioners Badri and Jackus.

Others Present: Dr. Garg, Bill Neafsey, Jeff Hummel, Tom Brennan and Denise Santiago of the Authority's staff; Ed Trainia of CME; Kraig Dowd of Weber Dowd Law; Gina Bilangi of DeCotiis Fitzpatrick, Cole and Wisler; Rich Bauch of Bauch Zucker Hatfield LLC Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Chairman Kahn led the Pledge of Allegiance.

Chairman Kahn appointed alternate Commissioner Jorn to act for Commissioner Kennedy and alternate Commissioner Lombardo to act for Commissioner Kulish.

Mr. Bodek provided proof of notice of the meeting.

### Minutes

Commissioner Erdos moved the resolution approving the regular session and executive session minutes of the regular public meeting of June 17, 2009. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote.

### Communications

There were no communications.

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## Report of Officers

There were no reports from the Officers.

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

### Finance and Budget

Commissioner People reported that the Finance and Budget Committee had met and recommended approval of the bill list. Commissioner Erdos 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 approved unanimously by a roll call vote.

### Personnel/Procurement/Insurance:

There was no report.

### Operations:

Mr. Hummel reported that there were 383 solid waste flow inspections/investigations conducted during the month of June 2009 (302 type 13 and 81 type 10). Mr. Hummel stated that in the matter where the Authority is unable to verify compliance, haulers will be formally notified and requested to provide proof of disposal at approved facilities. He noted that a majority of cases instituted during the month of June are presently active and still undergoing the inspectional process. The Division also took the following enforcement actions:

- 1) The Authority received a response from Mr. Michael Horwith regarding the recent cease-and-desist notification and demand of rate component payment. Mr. Horwith advised the Authority that, as the transporter, his company is not responsible for any out of state violations and has turned the matter over to the legal department of the generator, Waste Management.
- 2) Phase 2 of the “Tracker System” is almost complete.

Ms. Santiago gave the reported that on June 18, 2009, the Authority executed the Cardello settlement, and received the first payment of \$50,000.00 as well as the first monthly payment of \$10,000.00. She also noted that the Authority entered into an agreement with a hauler calling for a settlement of \$47,250.00.

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Solid Waste and Recycling:

There was no report.

New Business

Dr. Garg noted that as he had reported last month, the Authority had become members of the Local Government Coalition for Renewable Energy. He reported that yesterday he spent the day in Washington lobbying four members of the Senate Energy Committee. The bill passed by the House of Representatives, at the end of June did contain a renewable energy credit for waste to energy. He spoke about the changes in the legislation that the Coalition was hoping to achieve.

Public Comment

There were no members of the Public present.

Report of Committees, Staff & Counsel – Executive Session

Mr. Bodek read the following motion:

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
  - a. HDR – Professionals Services Contract (R42-2009)
2. Litigation/Potential Litigation
  - a. HVAC
3. Personnel
  - a. IUE/CWA Local 81427 issues
  - b. Employee Resignation

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

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NOW THEREFORE BE IT RESOLVED by the Union County Utilities Authority Board of Commissioners that the public be excluded from this meeting.

Commissioner Rachlin moved to go into executive session. The motion was seconded by Commissioner Jorn. The motion to go into executive session was unanimously approved by a roll call vote.

Mr. Bodek read the following statement:

In accordance with the Open Public Meeting Act, in the State of New Jersey, the Authority is entering into executive session to discuss items concerning contracts, litigation and/or personnel. The Authority may take official action on items discussed in executive session once the Authority returns to public session.

The Authority convened into executive session at 6:53 pm.

Upon motion of Commissioner Erdos, seconded by Commissioner Huff, and approved unanimously by a roll call vote, the Authority returned to public session at 7:43 p.m.

Mr. Bodek read the following motion:

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. Contract
  - a. Host Community Benefit Agreement
  - b. Covanta Solid Waste Disposal Services Agreement.

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

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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The motion was moved by Commissioner Huff, seconded by Commissioner Jorn, and unanimously ordered approved by a roll call vote. The Authority convened into executive session at 7:49 p.m.

Mr. Bodek read the following statement:

In accordance with the Open Public Meeting Act, in the State of New Jersey, the Authority is entering into executive session to discuss items concerning contracts, litigation and/or personnel. The Authority may take official action on items discussed in executive session once the Authority returns to public session.

Upon motion of Commissioner Erdos, seconded by Commissioner Jorn, and unanimously ordered approved by a roll call vote, the Authority returned to public session at 8:20 pm.

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

Commissioner Erdos moved to accept the resignation of Jill Wolin, as a secretary at the Authority, pursuant to her communications of July 8, 2009 and July 10, 2009. The resignation is effective as of the close of business on July 10, 2009. The motion was seconded by Commissioner Jorn and unanimously approved by a roll call vote.

Commissioner Rachlin moved the resolution awarding a contract to HDR Engineering, Inc., for solid waste and recycling management consulting services. The motion was seconded by Commissioner Jorn and unanimously ordered approved by a roll call vote.

#### Unfinished Business

There were no items of unfinished business.

#### Public Comments by Commissioners/Freeholder Liaison Chester Holmes

There were no comments.

There being no further business to come before the Authority, Commissioner People moved to adjourn the meeting. The motion was seconded by Commissioner Huff, and was unanimously ordered approved by a roll call vote. The meeting was adjourned at 8:25 p.m.

Respectfully submitted

Joseph C. Bodek  
Clerk

Edward J. Kahn  
Chairman

James Kennedy  
Acting Secretary