



# UNION COUNTY UTILITIES AUTHORITY

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## Union County Utilities Authority August 19, 2009 Regular Public Meeting

Chairman Kahn called the meeting to order at 6:50 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 of the Commissioners showed the following present: Chairman Kahn, Treasurer People, acting Secretary Kennedy, Commissioners Erdos, Huff, Jackus, and Rachlin. Also present were alternate Commissioners Jorn and Lombardo.

Commissioners Absent: Vice-Chairman Kulish and Commissioner Badri.

Others Present: Dr. Garg, Bill Neafsey, Tom Brennan, and Denise Santiago of the Authority's staff; Ed Trainia of CME; Kraig Dowd of Weber Dowd Law; Jonathan Williams of DeCotiis Fitzpatrick, Cole and Wisler; Anthony Cardone of Suplee Clooney and Company; 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 Badri and alternate Commissioner Lombardo for Commissioner Kulish.

Mr. Bodek provided proof of notice of the meeting.

### Minutes

Commissioner People moved the resolution approving the regular session and executive session minutes of the regular public meeting of July 15, 2009. The motion was seconded by Commissioner Lombardo and was ordered approved by a roll call vote, with all voting in favor except Commissioner Jackus, who abstained.

### Communications

Mr. Bodek read a letter from the Westfield Area Chamber of Commerce asking the Authority to support their 13<sup>th</sup> Annual Business Expo by supplying them with 1000 tote bags and paying the expense to have them imprinted, as it had done in the past.

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Reg. Mtg. 8/19/09

## Report of Officers

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 bills, Annual Audit, Professional Authorizations and designation of financial institution. Commissioner People the moved the following resolutions: 1) Approving the operating and resource recovery facility vouchers for processing and payment; 2) Approving consulting and legal vouchers for processing and payment; 3) Certifying to the Local Finance Board the Authority's compliance regarding the annual audit, pursuant to N.J.S.A. 40A:5A-17; 4) Increasing the cap for Winning Strategies in their existing professional services contract; and 5) Designating Crown Bank as an additional official depository for monies of the Authority in accordance with N.J.S.A. 40A:5-14 for the year 2009. The motion was seconded by Commissioner Rachlin and unanimously ordered approved by a roll call vote.

### Personnel/Procurement/Insurance

Commissioner Erdos noted that the Committee recommended reappointing Joseph C. Bodek as Qualified Purchasing Agent for the Authority. Commissioner Kennedy moved the resolution reappointing Joseph C. Bodek as Qualified Purchasing Agent for the Authority. The motion was seconded by Commissioner Kennedy and was unanimously ordered approved by a roll call vote.

### Operations

Mr. Neafsey reported that there were 365 solid waste flow inspections/investigations conducted during the month of July 2009 (329 type 13 and 36 type 10). He noted that a majority of the cases instituted during the month of July are presently active and still undergoing the inspectional process.

Ms. Santiago reported that during the month of July, settlement agreements had been executed against two haulers. One was for \$59,350.00 and the other was for \$47,250.00. She also noted that during the month of July waste flow enforcement efforts collected \$72,700.00.

### Solid Waste & Recycling

There was no report.

### New Business

There were no items of new business.

Public Comment

Mr. Bodek read the rules under which the Authority would allow public comment, and noted that the Authority had set aside the next 30 minutes for public comment.

Fabio Araneo, President of A&S Sanitation Services. Mr. Araneo expressed his condolences to the Authority at the loss of Commissioner Wolf. He also thanked the staff member, whoever it was, that gave his name to the reporter from New Jersey Business Magazine. Mr. Araneo then spoke about the current economic crisis facing business owners, and what they have to do to stay in business. He suggested that the Authority consider reducing the tipping fee by \$9.00 per ton, the same \$9.00 per ton reduction that the Authority had negotiated with Covanta in July 2008. He reasoned that by reducing the fee, the Authority would keep the facility competitive with other facilities that accept Type 10 waste, and that it would make the Authority step up its enforcement of Type 10 waste as there would be what he termed no acceptable loss of Type 10. Mr. Araneo presented other facts, from his perspective; regarding the amount of Type 10 waste being generated and not coming to the resource recovery facility. He also provided recommendations on how to handle enforcement. He concluded by asking the Commissioners to either enforce the laws regarding waste flow or drop them.

Pete Furino, R&D Disposal. Mr. Furino asked if the information on the fines, given out by Ms. Santiago earlier, was public record, and if it was how he could obtain it. Chairman Kahn informed him that he could make an OPRA request, and the process for doing same.

There being no other members of the public wishing to speak, Commissioner Kennedy made a motion to close the Public Comment section of the agenda. The motion was seconded by Commissioner Erdos and was unanimously approved by a roll call vote.

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 body meeting in certain circumstances; and*

*WHEREAS, the Union County Utilities Authority Board of Commissioner is of the opinion that such circumstances presently exist; and*

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

- 1) *Contracts*
  - a. *Rahway Waste Disposal & Host Community Benefits*
  - b. *Solid Waste Disposal Services Agreement*
- 2) *Personnel*
  - a. *Reassignment of certain job responsibilities*

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*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's Board of Commissioners that the public be excluded from this meeting.*

Commissioner Erdos moved the above resolution to go into executive session. The motion was seconded by Commissioner Huff and was unanimously ordered approved by a roll call vote.

Mr. Bodek reminded the public that 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 7:07 p.m.

Upon motion of Commissioner Lombardo, seconded by Commissioner Erdos, and approved unanimously by a roll call vote, the Authority returned to public session at 8:15 p.m.

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

Chairman Kahn appointed a special Ad Hoc Committee to deal with the Covanta Solid Waste Disposal Services Agreement and the request of the County of Union. The Committee will consist of Commissioners Kulish (as Chairman), Kennedy and Jackus and that Mr. Williams (DeCotiis firm) and HDR would advise the Committee. The committee will consult with Dr. Garg and Mr. Brennan in preparing its response to the County.

#### Unfinished Business

There were no items of unfinished business.

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

There were no comments.

There being no further business to come before the Authority, Commissioner Lombardo 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 8:20 p.m.

Respectfully submitted,

Joseph C. Bodek  
Clerk

Edward Kahn  
Chairman

James Kennedy  
Acting Secretary