

Union County Utilities Authority
March 16, 2005

Regular Public Meeting

Chairman Kahn called the meeting to order at 6:35 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 Commissioners showed the following present: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Lapolla & Vollero. Also present was Alternate Commissioner Huff.

Commissioners Absent: Commissioners Badri, Jackus and Alternate Commissioner Jorn. (It was noted that a letter was received from the City of Rahway that Commissioner Jones had resigned from the Authority.)

Chairman Kahn appointed alternate Commissioner Huff to act for Commissioner Badri.

Others Present: Dr. Spatola, Mr. Brennan, Mr. Hummel, Mr. Neasfey, and Mr. Crane of the Authority staff; Ed Traina of CME; Kraig Dowd of Brownstein Booth and Associates; Allan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Isabella Schroder of Malcolm Pirnie; and Deputy Clerk Lisa Miskiewicz. Neil Cohen, General Counsel arrived at 6:47 p.m.

Chairman Kahn led the Pledge of Allegiance.

Mr. Bodek provided proof of notice of the meeting.

Approval of Minutes

Commissioner Kulish moved the resolution approving the minutes of the regular public meeting of February 9, 2005 and the executive session minutes of February 9, 2005. Commissioner Wolf seconded the motion. All voted in favor, except Commissioners Lapolla who abstained.

Communications

There were two letters from Children's Specialized Hospital thanking the Authority for its generous contribution in memory of former Senator Joseph S. Suliga.

Report of Officers

There were no reports from the Officers.

Report of Committees, Staff and Counsel - Public Session I

Finance and Budget

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

Personnel/Procurement/Insurance

Dr. Spatola indicated that matters pertaining to Personnel/Procurement/Insurance would be discussed in executive session.

Operations

Dr. Spatola reported on the Covanta Coordination meeting. Items discussed at the meeting were: 1) tonnage reports for the prior month; 2) Outages scheduled for next month; 3) Discussion by Covanta of an excess waste charge for November 2004. The charge was related to the closure of the plant for the Thanksgiving holiday; 4) The acquisition, by Covanta, of six waste to energy plants previously owned by American Ref-fuel. He noted that this acquisition raises questions for the Authority; and 5) Covanta discussed adding a dolomitic lime system to this facility and the steps involved. Mr. Williams informed the Commissioners that there was an inquiry: U.S. Department of Justice, regarding Covant's regulatory approvals they need for the acquisition of the American Ref-Fuel plants. He asked that this matter be discussed later on in executive session.

Dr. Spatola informed the Commissioners that the Authority had received a copy of the landfill disruption permit that had been prepared by the Department of Transportation (DOT) for the Route 1&9 realignment project. The permit application had been submitted to DEP. Copies of the

application have been given to the Authority's consultants for review, as well as Covanta. Dr. Spatola also noted that DOT had filed a condemnation complaint against the Authority on February 25.

Dr. Spatola turned the floor over to Mr. Crane to provide the Commissioners with an enforcement update. The monthly activity report was reviewed for the Commissioners.

Policy, Ethics & By-Laws

Commissioner Kulish moved the resolution re-adopting the Bylaws of the Authority. The motion was seconded by Commissioner People and approved unanimously by a roll call vote.

Solid Waste and Recycling

Chairman Kahn announced that the discussion on the proposed MRF Agreement would take place in executive session.

New Business

Chairman Kahn requested that a memorial resolution be prepared honoring former Senator Joseph Suliga, who passed away last month, for the April meeting. He noted that Joe had been a strong supporter of the Authority. He asked for a moment of silence in honor of Mr. Suliga.

Public Comment

There were no members of the public present.

Commissioner Kulish made a motion to go into executive session, to discuss matters pertaining to contracts, litigation and/or personnel. The motion was seconded by Commissioner Wolf, with all voting in favor. The Authority convened into executive session at 6:53 p.m.

Upon motion of Commissioner Kulish, seconded by Commissioner Wolf and approved unanimously by roll call vote the Authority reconvened into Public Session at 7:15 p.m.

Report of Committees, Staff and Counsel -Public Session II

Commissioner Lapolla moved the following resolutions: 1) Authorizing the execution of an agreement with the Importico, Inc. to allow its materials recovery facility to accept and recycle types 13, 13C, 23 and 27 solid waste generated within Union County and return all residue there from to the designated disposal facilities in the County in accordance with the Union County District Solid Waste Management Plan.; 2) Appointing Richard Chaiken, Appraisal Consultants, to perform property appraisal services for the Authority; 3) Appointing Richard Rudin, Esq. to perform legal services for the Authority; 4) Appointing PMK to perform engineering services for the Authority; 5) Appointing Forman, Holt &

Eliades to perform legal services for the Authority; and 6) Approving and Authorizing the execution of professional contracts

Services contracts for the 2005-2006 term. The motion was seconded by Commissioner Wolf and approved unanimously by a roll call vote.

Unfinished Business

Dr. Spatola thanked the Commissioners for their consideration during his recent illness. He also thanked Mr. Crane and Mr. Brennan for their assistance in keeping everything running smoothly during his absence.

Public Comments by Commissioners/Freeholder Liaison Chester Holmes

No Comments were made.

There being no further business to come before the Authority, Commissioner Kulish moved to adjourn the meeting. The motion was seconded by Commissioner Wolf and approved unanimously by a voice vote. The meeting was adjourned at 7:20 pm.

Respectfully submitted,

Joseph C. Bodek
Clerk

Edward Kahn
Chairman

William Wolf
Secretary