Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Litigation/BRI Bankruptcy

PRESENT: Chairman Lapolla, Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioners: Badri, Jackus and Jones. Commissioner Jones left the meeting at 8:35 p.m.) Others Present: Dr. Spatola, Neil Cohen, Esq., Mr.Brennan, Mr. Neafsey and Mr. Hummel of the Authority's staff; Gina Carle, Esq. of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Barry, Jonathan Romankow of Garubbo, Romankow, Rinaldo & Capece; Jeff Enright, Mike Hanley of NW Financial; and Sophie Kauhak, Deputy Clerk

Jonathan Romankow wanted the Authority's input on how to approach the settlement offer from BRI. A lengthy discussion followed. BRI offered to the UCUA $105,000 and $180,000 to the County. Mr. Romankow suggested that someone from the Authority and a representative from the County get together and reach a census on the dollar amounts that would be acceptable and how it should be divided. Mr. Romankow asked direction on how the Authority wanted to approach a settlement with BRI: a) to accept the offer or b) seek additional funds.

<<Redacted information – attorney client privilege>>

Dr. Spatola noted that all of the terms of this agreement must be approved by the DEP. A census was taken and it was suggested that the UCUA will ask for $350,000.

Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Contracts/Covanta

PRESENT: Chairman Lapolla, Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioners: Badri, Jackus and Jones. Commissioner Jones left the meeting at 8:35 p.m.) Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority's staff; Gina Carle, Esq. of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Barry, Jeff Enright, Mike Hanley of NW Financial; and Sophie Kauhak, Deputy Clerk

Dr. Spatola reviewed the details of Covanta's newest plan to come out of bankruptcy, with the Commissioners. Gina Carle, Esq. informed the Commissioners that Covanta has requested a meeting on January 27, 2004 to discuss the bankruptcy plans and how they affect this facility.

Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Contacts/Waste Management – PA

PRESENT: Chairman Lapolla, Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioners: Badri, Jackus and Jones. Commissioner Jones left the meeting at 8:35 p.m.) Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority's staff; Gina Carle, Esq. of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Barry, Jeff Enright, Mike Hanley of NW Financial; and Sophie Kauhak, Deputy Clerk

A discussion was held on the recommendation that the Authority reimburse Waste Management of Pennsylvania the amount of $350,000 to satisfy the Authority's contractual obligation to Waste Management for the new $4.00 a ton tax enacted by the Pennsylvania legislature. The Authority also directed DeCotiis, Fitzpatrick, Cole & Wisler, LLP and NW Financial, in conjunction with the Authority's Executive Director, General Counsel and Comptroller, to review any and all applicable agreements on this issue and to take all the steps necessary to obtain contributions from Covanta towards this payment.

Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Contracts/Capstar Partners/UCUA Restructuring Status

PRESENT: Chairman Lapolla, Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioners: Badri, Jackus and Jones. Commissioner Jones left the meeting at 8:35 p.m.) Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority's staff; Gina Carle, Esq. of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Barry, Jeff Enright, Mike Hanley of NW Financial; and Sophie Kauhak, Deputy Clerk

A conference call will take place with Capstar Partners, the DeCotiis firm and the Authority to discuss the plan to obtain additional funds for the Authority through the selling of the Authority's depreciation rights in accordance with Federal Law. Capstar has agreed to the terms and conditions set forth by the Authority in the resolution passed last month hiring them.

Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Contracts/Rate Component

Jeff Enright walked the Authority's Commissions through an Analysis of the UCUA Rate Component Restructuring Scenarios. NW discussed their analysis of the rate component and the remaining Bergen County settlement money. NW suggested that it is possible to delay potential increases to the rate component using the Bergen County settlement funds in various ways, NW will update the analysis to include the bid taken for Type 13 on January 20th. Commissioners discussed the ramifications of a rate increase. Mr. Brennan spoke about the disposal rate for non-contracted waste.

Union County Utilities Authority
Executive Session
January 21, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Lapolla, Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioners: Badri, Jackus and Jones. Commissioner Jones left the meeting at 8:35 p.m.) Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority's staff; Gina Carle, Esq. of Decotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Barry, Jonathan Romankow of Garubbo, Romankow, Rinaldo & Capece; Jeff Enright, Mike Hanley of NW Financial; and Sophie Kauhak, Deputy Clerk

<<Redacted information – ongoing litigation, privileged under OPRA>>

Respectfully submitted,

Sophie Kauchak	**Richmond Lapolla**	**William Wolf**
Deputy Clerk	**Chairman**	**Secretary**

Union County Utilities Authority
Executive Session
February 11, 2004

TOPIC: Contracts/Covanta

PRESENT: Commissioners Badri, Jackus, Jones, Kahn, Kulish, Lapolla, People, Vollero, and Wolf. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle, and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Ed Traina, and Tim Gillen of CME; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Jonathan Romankow, Esq. of Garubbo, Romankow Rinaldo & Capece; Alan Roth of Ruderman & Glickman; Amit Chattopadhyay of Malcolm Pirnie; and Clerk Joseph Bodek.

Ms. Carle reported that the Authority had previously agreed to reimburse Waste Management of Pa., the cost of the tax, recently enacted by the state of Pennsylvania, on ash and by-pass waste, since it was a contractual obligation under the landfill Agreement. It was her view that Covanta should be responsible for part of that cost. Therefore an attempt would be made to recover some of the funds from Covanta. As a result, a claim, for their share, would be filed with the bankruptcy court, tomorrow. She noted that Covanta was still anticipating coming out of bankruptcy according to the re-organization plan they had filed.

Ms. Carle informed the Commissioners that the Authority had received a bill from Covanta in the amount of $40,000.00. The bill was for program waste that Covanta alleged was delivered above the guaranteed 260,000 tons. She informed the Commissioners that the numbers used by Covanta appeared to be wrong. Dr. Spatola and Mr. Brennan explained how Covanta arrived at their numbers and why they were wrong.

Union County Utilities Authority
Executive Session
February 11, 2004

TOPIC: Contracts/UCUA Restructuring Status - Capstar

PRESENT: Commissioners Badri, Jackus, Jones, Kahn, Kulish, Lapolla, People, Vollero, and Wolf. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle, and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisher; Ed Traina, and Tim Gilligan of CME; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Jonathan Romankow, Esq. of Garubbo, Romankow Rinaldo & Capece; Allan Roth of Ruderman & Glickman; Amit Chattopadhyay of Malcolm Pirnie; and Clerk Joseph Bodek.

Mr. Williams reviewed the arguments that had been made regarding entering into an agreement with Capstar to sell depreciation tax credits that may exist at the resource recovery facility. He noted that the resolution adopted by the Authority placed certain pre-conditions, that had to be met before the Authority entered into the contract. One of those conditions was that Capstar had to obtain a legal opinion regarding the feasibility of the sale of the tax credits taking place. The opinion had to satisfy the Authority's attorneys and financial consultants. The information received from Capstar could not meet those requirements. Therefore, it was Mr. Williams recommendation, given these circumstances that, the spending of the $50,000.00 for the analysis should not be made.

Union County Utilities Authority
Executive Session
February 11, 2004

TOPIC: Litigation/BRI

PRESENT: Commissioners Badri, Jackus, Jones, Kahn, Kulish, Lapolla, People, Vollero, and Wolf. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatula, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle, and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisher; Ed Traina, and Tim Gillen of CME; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Jonathan Romankow, Esq. of Garubbo, Romankow Rinaldo & Capece; Allan Roth of Ruderman & Glickman; Amit Chattopadhyay of Malcolm Pirnie; and Clerk Joseph Bodek..

Mr. Romankow reported to the Commissioners that he had received a firm offer from BRI to settle the case against them in the amount of $220,000.00. He thought that he could get the amount up to $350,000.00. Therefore, he countered their offer with an offer of $400,000.00. They then offered $350,000.00. Their offer was predicated on them paying $200,000.00 up front and structuring the rest of the settlement. He then reviewed how the structured part of the settlement would be made. He noted that the settlement offer made no mention of the MRF agreement. Finally Mr. Romankow explained to the Commissioners that out of the settlement the Authority was owed $250,000.00 in Compensatory damages and $16,000.00 in legal expenses. The County was owed $80,000.00 in legal cost.

Union County Utilities Authority
Executive Session
February 11, 2004

TOPIC: Negotiations/Route 1&9 Realignment

PRESENT: Commissioners Badri, Jackus, Jones, Kahn, Kulish, Lapolla, People, Vollero, and Wolf. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle, and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisher; Ed Traina, and Tim Gillen of CME; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Jonathan Romankow, Esq. of Garubbo, Romankow Rinaldo & Capece; Allan Roth of Ruderman & Glickman; Amit Chattopadhyay of Malcolm Pirnie; and Clerk Joseph Bodek..

<<Redacted information – ongoing litigation, privileged under OPRA>>

Union County Utilities Authority
Executive Session
February 11, 2004

TOPIC: Negotiations/Management Salary Adjustments

PRESENT: Commissioners Badri, Jackus, Jones, Kahn, Kulish, Lapolla, People, Vollero, and Wolf. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle, and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisher; Ed Traina, and Tim Gilligan of CME; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Jonathan Romankow, Esq. of Garubbo, Romankow Rinaldo & Capece; Allan Roth of Ruderman & Glickman; Amit Chattopadhyay of Malcolm Pirnie; and Clerk Joseph Bodek..

Mr. Cohen informed the Commissioners that the Personnel/Procurement/Insurance Committee had met to discuss salary adjustments for certain members of the Authority's executive staff. The Committee was recommending that a retroactive increase of 3.85% be given to members of the executive staff, effective January 1, 2003. In addition a salary adjustment of .75% be given effective January 1, 2004 to the same staff. He further explained that while the increase would apply to Mr. Hummel and Mr. Neasfey, their increases would be retroactive to their day of hire in May of 2003. There were no objections from the Commissioners to these increases.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
March 17, 2004

TOPIC: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Allan Roth of Ruderman & Glickman; Mike Hanley of NW Financial; Freeholder Holmes; and Clerk Joseph Bodek.

Dr. Spatola explained to the Commissioner that the complement of enforcement officers was currently below the six (6) that had been previously authorized. After consultation with special counsel, labor counsel and the Personnel, Procurement and Insurance Committee it was recommended to hire Cheryl Rolle, as a solid waste enforcement officer. There were no objections to the recommendation.

Mr. Cohen informed the Commissioners that the Union County Board of Chosen Freeholders had amended the ordinance creating the Authority, and now allowed for the compensation to alternate members, if the Authority so determines. It was then recommended that the current alternate member, and future alternate members, who may be appointed to the Authority, should receive $1500.00 per annum, in compensation. The compensation would be effective February 25, 2004. Commissioner Lapolla asked if the compensation could be made retroactive to the first date of the current alternate commissioners term. Ms. Carle responded that it could only be retro to the effective date of the ordinance, which was February 25, 2004. There were no objections to the payment of compensation to alternate commissioners.

Union County Utilities Authority
Executive Session
March 17, 2004

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Allan Roth of Ruderman & Glickman; Mike Hanley of NW Financial; Freeholder Holmes; and Clerk Joseph Bodek.

Ms. Carle explained to the Commissioners that the Authority had paid Waste Management $350,000.00 in settlement of the $4.00 per ton tax (Act 90) imposed on waste disposal by the State of Pennsylvania. In addition fees were owed for bypass waste delivered by Covanta. Steps were then taken to obtain contributions from Covanta for payment of the Bypass Waste fees and its share of the Act 90 fees. Those steps included filing a claim with the Bankruptcy Court. That claim totaled $551,410.95. Covanta then offered to settle the matter for a total payment of $391,165.30. It was determined that it was in the best interest of the Authority to accept this settlement offer, and save additional litigation exenses.

Union County Utilities Authority
Executive Session
March 17, 2004

TOPIC: Litigation/BRI

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Allan Roth of Ruderman & Glickman; Mike Hanley of NW Financial; Freeholder Holmes; and Clerk Joseph Bodek.

Dr. Spatola reported that terms of a settlement with BRI were still being hammered out. Still to be worked out was the issue of how to guarantee the balance of the payments, after the initial lump sum had been received. The County had questioned the amount of the initial lump sum payment. BRI had a escrow account setup, which contained the funds for the initial lump sum payment, however, they were not willing to turn over the full amount in the escrow account for the initial payment.

Union County Utilities Authority
Executive Session
March 17, 2004

TOPIC: Contracts/Waste Management, Inc.

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Allan Roth of Ruderman & Glickman; Mike Hanley of NW Financial; Freeholder Holmes; and Clerk Joseph Bodek.

Mr. Cohen reported to the Commissioners on the impact of any new in disposal costs that the new procurement for type10/25 waste would bring about. Mr. Hanley provided an analysis of the rate for the Commissioners. He noted that the new disposal rate would be $98.48 per ton. This was composed of a fee of $78.44 per ton being paid to Waste Management, plus a rate component from the Authority being added to that number. He went on to explain that the increase in the total cost was not driven by the Authority, but solely by market factors. He noted that the amount being added by the Authority for the rate component was primarily to debt.

Chairman Kahn asked about the issue of adding a 4th boiler to the facility. Dr. Spatola responded that in the past, whenever this issue was raised with Covanta, they dismissed it out of hand. However about two months ago, they appeared to consider it, when raised. He noted that a few years ago it was projected that the cost of a 4th boiler, in the mid $80,000,000.00 area, was not cost effective. However, as landfill disposal cost and transportation cost continue to rise, it could make the additional boiler cost effective, at some point in time.

Dr. Spatola also informed the Commissioners that the SWAC representatives, that had showed for the meeting, and they had questions over the cost per ton that the type 10/25 procurement would bring about.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
April 21, 2004

TOPIC: Contracts/NJ Meadowlands Commission

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle and Jonathan Williams of Decotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Freeholder Holmes; and Clerk Joseph Bodek.

Dr. Spatola reported to the Commissioners that he had received a letter from the NJ Meadowlands Commission, stating that the Authority's contract with them to take Type13, 23, 27 waste expires on May 31, 2004, and that the Authority should no longer deliver waste after that date. Mr. Williams informed the Commissioners that it was the Authority interpretation of the contract that the expiration date was June 30, 2004. A discussion followed on this matter. Mr. Williams spoke about the proposed plan and concerns arising out of it before proceeding with implementation. He noted that the Freeholders had cancelled the public hearing for the Solid Waste Plan Amendment, for this matter, to allow more discussion to take place it's impact on the municipalities. He concluded by informing the Commissioners that amendments to the HMDC and Waste Management contracts may be presented at next months meeting. Chairman Kahn asked what happens if no agreement is reached with HMDC. Mr. Williams responded that he didn't think that would happen.

Union County Utilities Authority
Executive Session
April 21, 2004

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle and Jonathan Williams of Decotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Freeholder Holmes; and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioner that the monthly coordination meeting with Covanta, dealt with what Covanta termed "excess waste deliverers." Both, Covanta and the Authority, agreed to go back and review the agreements regarding this matter. Covanta also believes that during periods of outages, at the facility, the Authority should decrease waste being delivered there, a position not shared by the Authority.

On another matter, Covanta has asked that the Authority's payments to them, for contracted waste, be based on the cost of 250,000 tons, spread over twelve (12) equal monthly payments. Special counsel is investigating this request.

Dr. Spatola brought to the Commissioners attention the fact that he has requested that Covanta clean the ventilation system and the vents in the Authority's offices. He noted that employees, of the Authority, were complaining about a sooty substance that is appearing around the vents for the ventilation system. Ms. Schroeder and Mr. Traina were brought into executive session to discuss this matter. Commissioner Lapolla expressed the opinion that if Covanta did not move on this project quickly, the Authority should undertake it and bill Covanta for the work. After discussion, it was the consensus to have the Authority engineers evaluate and test the ventilation system.

Union County Utilities Authority
Executive Session
April 21, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle and Jonathan Williams of Decotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Freeholder Holmes; and Clerk Joseph Bodek.

<<Redacted information – ongoing litigation, privileged under OPRA>>

Union County Utilities Authority
Executive Session
April 21, 2004

TOPIC: Litigation/BRI, Inc.

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Neafsey and Mr. Hummel of the Authority staff; Gina Carle and Jonathan Williams of Decotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Freeholder Holmes; and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioners that a letter had been received from the law firm representing BRI, regarding the proposed settlement and the payment of funds. Mr. Cohen reviewed the proposal for the Commissioners and spoke about the problems associated with it.

Respectfully submitted,

Joseph C. Bodek	**Edward Kahn**	**William Wolf**
Clerk	**Chairman**	**Secretary**

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Litigation/BRI, Inc.

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.

Dr. Spatola reported that BRI had met with Mr. Romankow. They proposed paying $250,000.00 of the fine up front and $100,000.00 over ten (10) months. When the fine was paid in full, they wanted a MRF agreement with the UCUA approved. He pointed out that the settlement would require the approval of the Freeholder Board. Mr. Cohen inquired whether or not the settlement was acceptable to the Freeholders. Dr. Spatola indicted that it was. There were no objections to the settlement from the Commissioners.

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.

<<Redacted information – ongoing litigation, privileged under OPRA>>

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Litigation/Route 1&9 Realignment

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.
Richard Chaiken of Appraisal Consultants Corp.

<<Redacted information – ongoing litigation, privileged under OPRA>>

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioners that Covanta was still looking for payment of approximately $40,000.00 from the Authority for "exceedances" of the Authority's quota for waste delivered to the facility. The Authority had pointed out to Covanta that there were times the Authority didn't deliver it's weekly or annual quotas of waste to the facility. Covanta responded that those cases were lost opportunities for the Authority. It was determined that Ms. Carle would respond to Covanta on this matter.

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Contracts/WMI-NJ

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioners that he was preparing for tomorrow night's introduction, by the Freeholder Board, of the ordinance dealing with the types 13, 23, 27 procurement. Mr. Hanley noted for the Commissioners why the proposed rate for these types of materials was a good one, despite the fact that it involved an increase. He then reviewed how the charges would impact on municipalities, touching on the issue of some municipalities being in the middle of their budget year. He discussed with the Commissioners the idea of the Authority giving a grant to those municipalities to lessen the impact of the increases for the first six months of the program. Mr. Hanley informed the Commissioners that the municipal portion of this waste stream was small. Commissioner Lapolla asked that if the impact on municipalities was small, they why give away any money at all. Dr. Spatola responded that the grants would give the municipalities the opportunity to budget for the increases. Chairman Kahn spoke in favor of the program. It was noted that the increases do not affect the towns that don't provide for municipal pickup of bulky waste.

Union County Utilities Authority
Executive Session
May 19, 2004

TOPIC: Personnel

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Neil Cohen, Esq., Mr. Brennan, and Mr. Hummel of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Mike Hanley of NW Financial; Alan Roth of Ruderman & Glickman; and Clerk Joseph Bodek.

Dr. Spatola reported that the student intern he had been authorized to hire from Kean University may be offered some type of salary for the position. He noted that the City of Elizabeth was paying around $7.00 per hour to interns. Mr. Brennan stated the intern could not work 20 hours per week or more. A discussion followed on the number of work hours per week. After some additional discussion it was decided to pay the intern $10.00 per hour. Mr. Roth noted that a resolution would be needed in public session, to authorize this action.

Dr. Spatola informed the Commissioners that with the retirement of Ms. Kauchak, and one secretary on vacation <<**Redacted – Personnel – Privileged under OPRA**>> the Authority was a little short of clerical help. He noted that the County was willing to loan the Authority a secretary or clerk for two or three months. Commissioner Lapolla asked why hasn't the Authority begun the process to replace Ms. Kauchak. Dr. Spatola responded that he was now starting the process. He further recommended accepting the temporary person from the County. Chairman Kahn referred the matter of the filling of the vacancy to the Personnel, Procurement, Insurance committee. There were no objections

from the Commissioners to accepting the temp, from the County.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
June 16, 2004

TOPIC: Contracts/Covanta

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Chairman Kahn arrived at 7:16 p.m.. Commissioner Jones left at 7:10 p.m. Others present: Dr. Spatola, Mr Brennan, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Gina Carle and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; Isabella Schroder and John Kruppa of Malcolm Pirnie; and Clerk Joseph Bodek.

Dr. Spatola asked Ms. Schroder to provide the Commissioners with an update as to Malcolm Pirnie's investigation on the condition of the duct work regarding a buildup of dust and soot and of the possibility of material being emitted from the duct work associated with the HVAC system, in the Authority's offices. Ms. Schroder informed the Commissioners that representatives from Malcolm Pirnie had made two inspections of the system and issued a report on what was found, along with recommendations for correction. She then provided the Commissioner with a verbal summary of the report and recommendations. Ms. Carle then addressed the Commissioners on the issue of responsibility of maintaining the system. It was her opinion, after reviewing the lease documents, that Covanta was responsible for the repair and maintenance of the HVAC system. Mr. Williams recommended that the Authority immediately procure a firm to service the HVAC system, based on Malcolm Pirnie's recommendations, and then bill Covanta for the cost of the work. Commissioner Lapolla, concurred with these recommendations, and also stated that he believed that Covanta should be responsible for the maintainance of the HVAC system. He went on to note that based on his experience with this type of system, the air filters should be changed four (4) times a year. From the look of the current filters, it looks like they haven't been changed in years. He then asked if this work needed to be bid, or if it was a matter of soliciting quotes. Mr. Cohen responded that cost estimates should be obtained in order to determine the cost relationship relative to the bid threshold and the proper purchasing procedure. (At the conclusion of the discussion, Ms. Schroder and Mr. Kruppa left the room. Commissioner Jones left the meeting.)

Mr. Williams addressed the Commissioners. He noted the problems with the HVAC system and Covanta's lack of cooperation was another symptom of a growing problem in the Authority's relationship with Covanta. During the Covanta's bankruptcy period, they seemed more then willing to

resolve issues with the Authority. Since emerging from bankruptcy, the relationship is becoming more and more difficult. Covanta has recently billed the Authority

for a supposed short fall in waste deliveries. In addition they have threatened to close the facility to municipal waste deliveries, when the Authority may have gone over it's allotment of waste. He spoke about the problems being created by this issue. Mr. Williams discussed the need to set up an escrow account, and place in it the funds necessary to pay the excess waste service charge from Covanta for the period July 21, 2003 to December 31, 2003. These funds would be placed into the account while the Authority was disputing the validity of the excess waste service charges in its entirety. He also spoke about charges related to waste deliveries during the weeks ending May 16, 2004 and May 23, 2004 and why payment should be made to Covanta relative to those weeks. Next, Mr. Williams spoke about the need for the Authority to micro-manage waste bring delivered and which facility it was going to, in order to avoid these problems. Finally he spoke about enforcement issues , and the need to investigate the possibility that program waste has made its way into the contractual waste stream, thus creating the problems previously discussed. Chairman Kahn spoke in favor of following the recommendations of special counsel.

Union County Utilities Authority
Executive Session
June 16, 2004

TOPIC: Contracts/Labor Counsel

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Chairman Kahn arrived at 7:16 p.m.. Commissioner Jones left at 7:10 p.m. Others present: Dr. Spatola, Mr Brennan, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Gina Carle and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

Dr. Spatola and Mr. Cohen noted that at it's February 2004 meeting the Authority had hired the law firm of Ruderman & Glickman, P.C. as special labor counsel. During that time, and in the prior year, Allan C. Roth, Esq., had represented the firm to the Authority. Mr. Roth has recently end his affiliation with Ruderman & Glickman, and for reasons of continuity it was recommended that Mr. Roth continue to represent the Authority on a day to day basis regarding labor, personnel and related matters as assigned by the Authority. The Commissioners concurred.

Union County Utilities Authority
Executive Session
June 16, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Chairman Kahn arrived at 7:16 p.m.. Commissioner Jones left at 7:10 p.m. Others present: Dr. Spatola, Mr Brennan, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Gina Carle and Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

<<Redacted – On-going litigation– Privileged under OPRA>>

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioners that he had received a letter from Covanta for excess waste charges for 2003 in the amount of $40,000.00. The Authority had placed these funds in an escrow account, and Covanta wanted to know the basis for the Authority's reasoning. Dr. Spatola had responded to them that there existed a need for a meeting to discuss a number of issues regarding waste delivery and service agreements matters. That meeting has been scheduled for the first week of August. Chairman Kahn asked for the executive director and counsel to provide him with a list of outstanding issues related to Covanta.

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Litigation/NJ DOT (Rt 1 & 9 realignment)

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

<<Redacted – On-litigation – Privileged under OPRA>>

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Litigation/Mac Health Care

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioners that Mac Health Care was a firm that set up an account for waste disposal at the Union County Resource Recovery Facility . They then delivered more waste then was covered by the funds available. As a result they owe $29,000.00. They then filed bankruptcy. Mac Health Care now has new owners. Mr. Romankow has been working to try and get the firm that acquired them to pay the monies owed..

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Litigation/BRI

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Neasfey, Mr. Hummel, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

Dr. Spatola explained the settlement with Bridgewater Resources, Inc. to the Commissioners.

Union County Utilities Authority
July 21, 2004
Executive Session

TOPIC: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jones, Lapolla, and Vollero. Others Present: Dr. Spatola, and Neil Cohen, Esq. of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd , Esq. of Brownstein, Booth and Associates; David Wadyka of Di Francesco, Bateman, Coley, Yospin, et al: Allan Roth, Esq.; Freeholder Holmes and Clerk Joseph Bodek.

Alan Roth reported that a grievance had been filed, by the union representing Authority employees, to Dr. Spatola, as the first step in the process. The grievance alleges that an employee was working out of title. Dr. Spatola has responded by denying the grievance. The union wanted compensation for the employee. Mr. Roth explained that the union had responded to Dr. Spatola's denial of the grievance in a strange way. He was not sure if they were taking it to the next step in the process. He noted that the time frame has now expired for a response from the union.

Mr. Roth informed the Commissioners that a draft of the personnel manual was done. The draft was being reviewed by Dr. Spatola and Kraig Dowd.

Commissioner Jones asked questions regarding the hiring process for enforcement personnel. Mr. Cohen responded.

Respectfully submitted,

Joseph C. Bodek	Ed Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
August 18, 2004

TOPIC: Contracts/Covanta

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People; Commissioners Badri, Jackus, and Vollero. Commissioner Jones arrived at 7:23 p.m.. Also present were alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Neil Cohen, Esq. of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Allan Roth, Esq,; and Clerk Joseph Bodek.

Dr. Spatola reported to the Commissioners that Covanta has expressed an interest in building a fourth boiler onto the facility. This would allow them to process more waste and produce additional electric power. With the additional power being generated, they would still be classified as a small power generator. It was Dr. Spatola's impression that they had a serious interest in getting discussion started on this matter. Mr. Cohen asked, given the best of circumstances, how long the project would take. Dr. Spatola indicted that it would take 2 ½ to 3 years, from the beginning of the permitting process through the completion of construction.

Dr. Spatola also reported on various issues related to the delivery of waste to the facility.

Union County Utilities Authority
Executive Session
August 18, 2004

TOPIC: Contracts/Municipal Agreements

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People; Commissioners Badri, Jackus, and Vollero. Commissioner Jones arrived at 7:23 p.m.. Also present were alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Neil Cohen, Esq. of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Allan Roth, Esq,; and Clerk Joseph Bodek

Ms. Carle reported to the Commissioners that the Authority must carefully monitor the amount of waste being delivered by the towns that have entered into municipal agreements with the Authority. A review of the agreements and the amount of waste that they provided for and the amounts actually being delivered has begun. This is to prevent overages, and the charges associated with them.

Union County Utilities Authority
Executive Session
August 18, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People; Commissioners Badri, Jackus, and Vollero. Commissioner Jones arrived at 7:23 p.m.. Also present were alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Neil Cohen, Esq. of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Allan Roth, Esq,; and Clerk Joseph Bodek

<<Redacted – On-going litigation – Privileged under OPRA>>.

Union County Utilities Authority
Executive Session
August 18, 2004

TOPIC: Litigation/Grand

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People; Commissioners Badri, Jackus, and Vollero. Commissioner Jones arrived at 7:23 p.m.. Also present were alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Neil Cohen, Esq. of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Allan Roth, Esq,; and Clerk Joseph Bodek

Dr. Spatola informed the Commissioner that Grand was a company that had established an account to cover the cost of disposal of waste that they were delivering. Despite the fact that the balance in the account was wiped out, they continued to deliver waste. They owe about $100,000.00. The Romankow firm has sent them a letter informing them that unless a deposit of $40,000.00 is received by Wednesday, they will be stopped from disposing of any waste. Commissioner Wolf asked where would this firm take their waste. Mr. Cohen responded to the question. A discussion followed on the problems associated with the monitoring of the amounts being dumped and the firms having sufficient funds in accounts to cover those cost.

Union County Utilities Authority
Executive Session
August 18, 2004

TOPIC: Personnel

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People; Commissioners Badri, Jackus, and Vollero. Commissioner Jones arrived at 7:23 p.m.. Also present were alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Neil Cohen, Esq. of the Authority staff; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Allan Roth, Esq,; and Clerk Joseph Bodek.

Alan Roth informed the Commissioners that there exist the need for a position, at the Authority, that would tie together the operations involved in waste flow management and enforcement efforts and make them work together. A resolution calling for the establishment of the position of Chief Operations Officer, and setting forth a job description for that position had been given to the Commissioners. Dr. Spatola had interviewed a person for this position, and should the Commissioners approve the job description of Chief Operations Officer, he was prepared to make a recommendation for the filling of the position. Commissioner Jackus stated that the person being recommended as Chief Operations Officer was Charles Crane. He then spoke on the qualifications of this individual. He further asked if any staff would be needed for this person. Dr. Spatola responded, not at this time, however if additional resources were needed they would be considered. The Commissioners concurred on the need for this position and the recommendation of the person to be hired.

Mr. Roth noted that there still was a vacant enforcement officers position. Michael Kergis, of Rahway, was recommended to fill that position. The starting salary would be $31,000.00, as established by contract. Commissioner Jones spoke about the qualifications of this individual.

Respectfully submitted,

Joseph C. Bodek
Clerk

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neasfey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Contracts/Covanta

Dr. Spatola informed the Commissioners that Covanta still hasn't set a date for a meeting with the Authority to iron out contract issues related to waste delivery. In the meantime Covanta, continues its policy to bill the Authority for what it sees as the Authority's over delivery of waste to the facility in 2003. As a result the Authority had previously placed the funds into an escrow account, as per the agreement with Covanta. Dr. Spatola explained that the five(5) year contract that Covanta had with Hudson County has ended. The cost charged Hudson County, for waste disposal in that contract was low. **<<Redacted – Attorney Client Privilege– Privileged under OPRA>>** He noted that the time to sit down and discuss these issues with Covanta was now. The discussions could provide numerous benefits to the Authority, including a lower tip fee.

Dr. Spatola reported to the Commissioners that at the last coordination meeting Covanta had discussed the addition of a fourth boiler. They want to get moving on preliminary discussions related to this issue. Mr. Williams noted that as a result of refinancing of the debt, in 1998, the Authority did well with below average disposal rates. Not withstanding Covanta has also reaped a hugh benefit. That's why they want a fourth boiler. Mr. Williams also noted that one of Covanta's former finance people is now employed by NW Financial, and he should be very helpful in negotiations. Commissioner Lapolla asked who would pay for the construction of the fourth boiler. Mr. Williams explained that would be determined through a negotiation process. He then touched on a number of issues related to the construction of another boiler. Commissioner Lapolla asked what the scope of the construction project would be. Dr. Spatola responded.

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neasfey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Contracts/Municipal Agreements

Dr. Spatola reported that tonnage amounts for the contract waste continues to increase consistently. He then explained the terms of the contracts that the municipalities entered into with the Authority. He noted that some towns are now exceeding the limits set in their contracts by 25%. If this practice continues these towns may have to pay two different rates for the waste that they are disposing of. Commissioner Lapolla asked which towns are at this level. Mr. Brennan responded that Summit, Plainfield, Linden, Union, and Elizabeth are approaching that number. Mr. Williams then explained the issues and impact on each town. He noted why Plainfield and Summit are going over and the reasons for it. A discussion followed.

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neasfey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Litigation/DeCuollo

<<Redacted – On-going litigation – Privileged under OPRA>>.

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neafsey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Litigation/Circle Rubbish

Dr. Spatola informed the Commissioners that Freeholder Chairman Estrada had referred information concerning Circle Rubbish to the Authority. Dr. Spatola stated that it was clear that they took waste out of the County. They modified the O&D form to make it look like it originated somewhere else, as a result they owe the Authority monies for this waste. The case has been handed over to the Romankow firm for prosecution.

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neafsey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Litigation/BRI

Dr. Spatola informed the Commissioners of the settlement with BRI, and the working out of the payment of the monies to the Authority. Mr. Williams spoke about how the funds from this settlement would be distributed between the County and the Authority. It was his opinion that all funds collected were the Authority's, at the entity responsible for carrying out and financially supporting enforcement activities.

Union County Utilities Authority
September 15, 2004
Executive Session

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Lapolla, and Vollero. Also present was Alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, Mr. Neasfey, and Mr. Crane of the Authority staff; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Personnel

Dr. Spatola informed the Commissioners that Mr. Roth and Mr. Dowd are working on an employee handbook. He hoped to have a draft of the handbook to the personnel committee by the next meeting to start their review of it.

Dr. Spatola also informed the Commissioners that a letter had been received from the union advising the Authority of election of union members to various duties. Anita Novy was elected Chairperson and Gill Dagget was elected shop steward.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
October 20, 2004
Executive Session Minutes

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Jones Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Litigation/DeCuollo

<<Redacted – On-going litigation– Privileged under OPRA>>

Union County Utilities Authority
October 20, 2004
Executive Session Minutes

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Jones Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Contracts/Covanta

Dr. Spatola informed the Commissioners that in the contract, with Covanta, for the delivery of waste under the long term municipal contracts, there was a factor of $.75 per ton. Both the Authority and Covanta have been unable to locate the paper work dealing with this amount and how it was applied. As a result, Covanta was threatening to raise the rates for waste delivered under the municipal contracts. Ms. Carle provided a further explanation of where the $.75 rate comes from and how it was implemented. She noted that while Covanta acknowledges the adjustment, Covanta needs to provide justification to their auditors for the dollar amounts they have been receiving for this waste. If the original documents cannot be found, a new agreement will be drafted to ratify the service charge adjustment.

Union County Utilities Authority
October 20, 2004
Executive Session Minutes

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Jones Lapolla, and Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Gina Carle of DeCotiis, Fitzpatrick, Cole and Wisler; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph Bodek.

TOPIC: Personnel

Dr. Spatola reported that a letter of resignation had been received from Michael Mione, a solid waste enforcement officer for the Authority. A resolution was in the Commissioner's packets accepting the resignation.

Dr. Spatola informed the Commissioners of the desire to provide a Comprehensive Assistance and Referral for Employees (C.A.R.E.) And a Employee Assistance Program(E.A.P.). A contract with Trinitas Hospital, to, provide these services, was being recommended. A resolution was in the Commissioners packets authorizing the contract with Trinitas Hospital.

Commissioner Lapolla reported that Dr. Spatola, Mr. Roth and Mr. Dowd have been working on a personnel handbook for the Authority for several months. He noted that the Commissioners would be receiving a draft of that handbook in the next few days. He requested that they review it, and forward their comments to Mr. Crane. He expressed the desire that the handbook be completed and implemented by January 2005.

Commissioner Lapolla asked if the Authority would be filling the newly vacant solid waste enforcement officer's position. Dr. Spatola responded that there was a need to keep the number of officers to steady.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session Minutes
November 3, 2004

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Treasurer People, Commissioners Badri, Jones, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Also present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Dave Medika of Di Francesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer; Kraig Dowd of Brownstein Booth and Associates; Freeholder Holmes; Gina Carle of Decotiis, Fitzpatrick and Gluck; and Clerk Joseph Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>.

Union County Utilities Authority
Executive Session Minutes
November 3, 2004

TOPIC: Litigation/Falgi

PRESENT: Chairman Kahn, Treasurer People, Commissioners Badri, Jones, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Also present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Freeholder Holmes; Gina Carle of Decotiis, Fitzpatrick and Gluck; and Clerk Joseph Bodek.

Mr. Dowd explained the Falgi case to the Commissioners. Falgi has asked for settlement discussions, and progress is being made. He then explained the penalties and settlement talks to the Commissioners. He noted the conditions of the settlement and who would receive the money. Mr. Cohen asked about the "health" of the business. Mr. Dowd reviewed the financial strength of Falgi. Mr. Cohen recommended that in structuring any settlement that Falgi should be paying some money up-front. Ms. Carle noted a previous settlement agreement with Falgi.

Union County Utilities Authority
Executive Session Minutes
November 3, 2004

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Treasurer People, Commissioners Badri, Jones, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Also present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Freeholder Holmes; Gina Carle of Decotiis, Fitzpatrick and Gluck; Isabella Schroader of Malcolm Pirnie; and Clerk Joseph Bodek.

Dr. Spatola informed the Commissioner that at the Covanta monthly co-ordination meeting there had been a discussion on the cleaning of the HVAC system. He also informed the Commissioner that the Union representing Authority employee's had sent a letter regarding the quality of the air inside the Authority's offices. The matter then was brought to Covanta's attention again. They are prepared to finish the job of cleaning the HVAC system that was begin months prior. They further reaffirmed their position that this cleaning, by them, was being done on a one time basis only. He noted that they had indicated the work may start as early as next week. He then called upon Ms. Schroader to brief the Commissioners on the monitoring of the air quality in the Authority's offices that her firm had done. Ms. Schroader explained the test that were done, the results obtained, and the standards they were compared to. Mr. Crane commented that most of the complaints from employees were not on the items tested, but on the black "dust balls" being emitted from the vents.

Union County Utilities Authority
Executive Session Minutes
November 3, 2004

TOPIC: Contracts/Ash Disposal

PRESENT: Chairman Kahn, Treasurer People, Commissioners Badri, Jones, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Also present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Freeholder Holmes; Gina Carle of Decotiis, Fitzpatrick and Gluck; and Clerk Joseph Bodek.

Freeholder Holmes asked Dr. Spatola questions regarding the testing of ash from the facility being disposed of in landfills in Pennsylvania. He noted that there had been a difference in the results of the test being done in New Jersey from the test being done in Pennsylvania. Dr. Spatola explained the issues that had occurred and the differences between the testing protocol in New Jersey and Pennsylvania. There exists a need to resolve those difference, by Covanta, between the two states. That discussion was impacting on the issuance of the Solid Waste Disposal permit for the resource recovery facility. A discussion on these issues continued on for several minutes.

Union County Utilities Authority
Executive Session Minutes
November 3, 2004

TOPIC: Contracts/Municipal Agreements

PRESENT: Chairman Kahn, Treasurer People, Commissioners Badri, Jones, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Also present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Freeholder Holmes; Gina Carle of Decotiis, Fitzpatrick and Gluck; and Clerk Joseph Bodek.

Dr. Spatola reported that the staff was carefully watching the amounts of waste being delivered by towns who had entered into long-term contracts.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
December 15, 2004

TOPIC: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Others Present: Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liason Chester Holmes; Alan Roth, Esq.; Mike Hanley of NW Financial; and Clerk Joseph Bodek.

Commissioner Lapolla reported on the meeting of the Personnel and Procurement Committee. He noted that a letter of resignation had been received from Cheryl Rolle from her position as a solid waste enforcement officer. The committee was recommending accepting the resignation and was recommending that Gene Davis be hired to fill one of the two vacancies existing in this position.

Commissioner Lapolla noted that due to the requirements of the Executive Directors official duties he hasn't been able to utilize his allotted vacation time. The Executive Director has requested that he be permitted to carry over his accrued vacation time, and use it in 2005. The committee had no objections to this request and recommended it be approved.

Next, Commissioner Lapolla informed the Commissioner that the position of confidential administrative assistant/deputy clerk had been vacant since the retirement of Sophie Kauchak. The County of Union had provided a person to fill-in for this position. Mr. Bodek, upon consultation with Dr. Spatola and Mr. Brennan, was recommending the hiring of Lisa Miskiewicz, (individual on loan from the County) to fill this position. The Committee was recommending Ms. Miskiewicz hiring.

Chairman Kahn declared a five minute recess at this time.

Upon resumption of the meeting, Mr. Roth presented the proposed policy manuel to the Commissioners for review. He asked that comments be submitted to him, as he wanted to finalize the manuel for the January 2005 meeting.

Union County Utilities Authority
Executive Session
December 15, 2004

TOPIC: Contracts

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Others Present: Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liaison Chester Holmes; Alan Roth, Esq.; Mike Hanley of NW Financial; and Clerk Joseph Bodek.

There was no discussion on Covanta or the municipal agreements.

Union County Utilities Authority
Executive Session
December 15, 2004

TOPIC: Litigation

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Badri, Jackus, Jones, Lapolla, and Vollero. Others Present: Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liaison Chester Holmes; Alan Roth, Esq.; Mike Hanley of NW Financial; and Clerk Joseph Bodek.

Mr. Cohen explained to the Commissioners the resolution approving the representation of employees in the DeCuollo matter. He then went on to explain that it was being recommended that special legal counsel be hired to represent Mr. Kazar and Mr. Callahan, both former executive directors of the Authority. To represent Mr. Kazar, it was recommended that Mr. Roth's current scope of services with the Authority be expanded. To represent Mr. Callahan, it was recommended that Edward J. Kologi be hired. There were no objections.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
January 19, 2005
Executive Session

TOPIC: Litigation/Special Counsel for Waste Flow

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Jackus, Jones, and Lapolla. Also present was Alternate Commissioner Jorn. Others present Mr. Brennan, Mr. Hummel, Mr. Neafsey, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liaison Chester Holmes; Alan Roth, Esq.; Gina Bilangi of DeCotiis, Fitzpatrick, Cole & Wisler, Deputy Clerk Lisa Miskiewicz and Clerk Joseph Bodek.

Mr. Crane noted the need to fill the vacancies that exist in the position of waste flow inspectors.

Mr. Cohen informed the Commissioners of the need to appoint special counsel to handle legal matters arising as part of an ongoing investigation. Mr. Cohen recommended the hiring of Daniel McCarthy as special counsel. There were no objections to this. A discussion then took place on the filling of vacant enforcement staff positions, and the possibility of creating the position of part-time enforcement officer. No conclusions were reached on this matter.

Union County Utilities Authority
January 19, 2005
Executive Session

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Jackus, Jones, and Lapolla. Also present was Alternate Commissioner Jorn. Others present Mr. Brennan, Mr. Hummel, Mr. Neafsey, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liaison Chester Holmes; Alan Roth, Esq.; Gina Bilangi of DeCotiis, Fitzpatrick, Cole & Wisler, Deputy Clerk Lisa Miskiewicz and Clerk Joseph Bodek.

Ms. Bilangi explained to the Commissioners that as part of the lease agreement with Covanta, they are obligated to accept up to 260,000 tons per year of waste from the Authority. For operational purposes the agreement contains weekly, monthly and annual delivery limits and provides for additional compensation to Covanta if those limits are exceeded. Covanta had claimed that the Authority exceeded its waste disposal limit in 2003 from the period of July 21, 2003 to December 31, 2003. At the time the Authority refused to remit payment to Covanta for these exceedances and placed the sum of $40,555.28 into an escrow account, pending resolution of the dispute between Covanta and the Authority. It was now being recommended to release this escrow amount to Covanta.

Union County Utilities Authority
January 19, 2005
Executive Session

TOPIC: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Treasurer People, Commissioners Jackus, Jones, and Lapolla. Also present was Alternate Commissioner Jorn. Others present Mr. Brennan, Mr. Hummel, Mr. Neafsey, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Freeholder Liaison Chester Holmes; Alan Roth, Esq.; Gina Bilangi of DeCotiis, Fitzpatrick, Cole & Wisler, Deputy Clerk Lisa Miskiewicz and Clerk Joseph Bodek.

Mr. Brennan recommended the granting of a merit increase to management staff in the amount of 3%. It would apply to management staff hired prior to September 30, 2004.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

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Union County Utilities Authority
February 9, 2005
Executive Session

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Vollero and Alternate Commissioners Huff & Jorn. Also present were, Mr. Brennan, Mr. Crane Neil Cohen, General Counsel; CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Gina Bilangi of DeCotiis, Fitzpatrick, Cole & Wisler, Deputy Clerk Lisa Miskiewicz.

TOPIC: Litigation and Settlements/DeCuollo

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
February 9, 2005
Executive Session

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Vollero and Alternate Commissioners Huff & Jorn. Also present were, Mr. Brennan, Mr. Crane Neil Cohen, General Counsel; CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Gina Bilangi of DeCotiis, Fitzpatrick, Cole & Wisler, Deputy Clerk Lisa Miskiewicz.

TOPIC: Personnel/Policy Manuel

Mr. Roth distributed his final draft of the proposed policy manual to all in attendance, for their review. Mr. Cohen requested that all changes be tracked and distributed to the Commissioners.

UCUA
Executive Session
March 16, 2005

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Lapolla & Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, and Deputy Clerk Lisa Miskiewicz, Neil Cohen, General Counsel

<<Redacted – On-going litigation – Privileged under OPRA>>

UCUA
Executive Session
March 16, 2005

TOPIC: Litigation/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, and Commissioners Lapolla & Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, and Deputy Clerk Lisa Miskiewicz, Neil Cohen, General Counsel.

Mr. Williams informed the Commissioners that the Authority had been approached by the U.S. Justice Department over Covanta's buying the American Re-Fuel facilities. He then spoke on why they were purchasing the Newark facility and the effect it could have on waste disposal costs and the Authority's efforts at regulatory flow control. He suggested that the Authority file a formal objection to the acquisition. He discussed why and what it would be based upon. Mr. Williams asked for permission to look into filing the objections. The Commissioners agreed.

UCUA
Executive Session
March 16, 2005

TOPIC: Contracts/Importico

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Lapolla & Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, and Deputy Clerk Lisa Miskiewicz, Neil Cohen, General Counsel.

Mr. Williams explained that Importico was a fully-permitted materials recovery facility (MRF). They accept waste, remove the recyclable materials and would return the residue to the Union County solid waste system. Tonight the Authority was being asked to approve a contract for them, similar to the contracts entered into by other such firms. There was a discussion on who would be delivering waste to this type of firm. There were no objections.

UCUA
Executive Session
March 16, 2005

TOPIC: Contracts/Professional Services

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Lapolla & Vollero. Also present was Alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, and Deputy Clerk Lisa Miskiewicz, Neil Cohen, General Counsel.

Mr. Cohen explained to the Commissioner that the proposed contracts for Messrs. Chaiken and Rubin were related to the Route 1&9 project, and the action filed by NJDOT in condemnation court. Mr. Chaiken would be providing appraisal services and Mr. Rubin, legal services.

Mr. Cohen informed the Commissioners that it was necessary to hire the engineering firm of PMK to provide services related to ash testing.

Mr. Cohen noted that as a result of the litigation of the case with DeCuollo and other bankruptcy matters related to the solid waste enforcement program, it had become necessary to hire special legal counsel for bankruptcy related matters. The firm of Forman, Holt & Eliades had provided similar services to the Authority, and as a result were being recommend tonight for this contract.

Mr. Roth explained the professional services contracts being authorized tonight for 2005-2006 term. These contracts were for the professionals approved at last month's reorganization meeting and the four approved tonight.

Respectfully submitted,

Joseph C. Bodek	Ed Kahn	William Wolf
Clerk	Chairman	Secretary

UCUA
Executive Session
April 20, 2005

TOPIC: Litigation/New Jersey Department of Transportation

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Kennedy, Lapolla & Vollero. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Freeholder Liaison Chester Holmes; Richard Rudin of Weiner Lesniak; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

UCUA
Executive Session
April 20, 2005

TOPIC: Litigation/NJDOT

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Kennedy, Lapolla & Vollero. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Freeholder Liaison Chester Holmes; Richard Rudin of Weiner Lesniak; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

UCUA
Executive Session
April 20, 2005

TOPIC: Personnel/Employee handbook

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Kennedy, Lapolla & Vollero. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Freeholder Liaison Chester Holmes; Richard Rudin of Weiner Lesniak; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Mr. Roth reported to the Commissioner that the employee handbook has been fully discussed by the Committee. Comments raised by Commissioners and staff have been addressed in this final copy. Chairman Kahn has been presented with a clean copy of the handbook. Mr. Roth then recommended that the Authority adopt the handbook. There were no objections.

At this time (7:22 pm.) Chairman Kahn declared a five-minute recess. The meeting resumed at 7:30 pm.

UCUA
Executive Session
April 20, 2005

TOPIC: Personnel/Disability Insurance

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Kennedy, Lapolla & Vollero. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Freeholder Liaison Chester Holmes; Richard Rudin of Weiner Lesniak; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Mr Brennan reported that the Personnel/Procurement/Insurance Committee had met and looked at a long and short-term disability plan for full time employees of the Authority. The cost of the plan was $456.00 per month for all employees. This coverage would be in addition to the NJ State disability plan. He then provided details of the plan for the Commissioners. Mr. Roth added that the cost of the plan was guaranteed for two years, and could be cancelled at any time. **<<Redacted – Personnel – Privileged under OPRA>>**

Commissioner Lapolla stated that in his opinion the Authority should move forward with instituting the plan, and pay for it in full.

UCUA
Executive Session
April 20, 2005

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Kennedy, Lapolla & Vollero. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler, Freeholder Liaison Chester Holmes; Richard Rudin of Weiner Lesniak; Deputy Clerk Lisa Miskiewicz and Clerk Joseph C. Bodek.

Dr. Spatola informed the Commissioners that at meeting Covanta had with the New Jersey Department of Agriculture an issue arose related to the Asian Long Horn Beetle infestation in this area, it was reportedly determined that the remains of the destroyed trees need to be incinerated. Dr. Spatola informed them that the Authority no longer controls access to the facility. A further discussion ensued over why this material should not be brought to this facility. At that point Dr. Spatola found out that Covanta had been accepting this material for over a year, with NJDEP permission, and had never informed the Authority. A discussion followed over potential problems associated with this acceptance, and the fact that the Authority, as owner of the facility, was never notified. Freeholder Holmes and Commissioner People strongly expressed their dissatisfaction with what Covanta had done.

Dr. Spatola noted that Covanta was still looking for payment from the Authority for what they had termed waste delivery exceeded during the week following Thanksgiving 2004.

Chairman Kahn asked Dr. Spatola to discuss with Covanta the parking problem that was occurring on Authority meeting nights, and what they were going to do about it. Dr. Spatola explained their response to date over this situation.

Respectfully submitted,

Joseph C. Bodek Edward Kahn William Wolf

Union County Utilities Authority
Executive Session
May 18, 2005

TOPIC: Contracts/Solid Waste

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy & Vollero and Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority staff; Tim Gillen of CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler; Dennis Enright of NW Financial; Freeholder Liaison Chester Holmes; and Clerk Joseph C. Bodek.

Dr. Spatola informed the Commissioners that the rates for type 13 bulky waste and type 10 program waste would have to be reviewed for the month of July. Mr. Williams informed the Commissioners that there was a need to increase the rate for program waste and type 13 bulky waste. To do this a rate case would have to be filed with the BPU. The increase in cost for program waste does not affect the towns that have municipal collection. It affects the towns, were private haulers bill the homeowners direct. He asked for the consent of the Commissioners to file these rate case. Mr. Enright provided the Commissioners with recommendation on the amount of the increase for these types of waste and explained why. There were no questions or objections from the Commissioners.

Union County Utilities Authority
Executive Session
May 18, 2005

TOPIC: Contracts/County of Union

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy & Vollero and Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority staff; Tim Gillen of CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler; Dennis Enright of NW Financial; Freeholder Liaison Chester Holmes; and Clerk Joseph C. Bodek.

Dr. Spatola reported to the Commissioners that he and Mr. Cohen had met with County Manager Devanney, and County Counsel Barry to discuss how to allocate the funds, between the Authority and the County, received in the Bridgewater/Raritan settlement. The County recommended that both entities recover their legal cost, and then split the remaining funds down the middle. The Authority would receive $144,000.00 and the County would receive $196,000.00. Also discussed at this meeting was the allocation of other funds between the County and the Authority that had been received to settle various enforcement cases.

Union County Utilities Authority
Executive Session
May 18, 2005

TOPIC: Litigation/Route 1 & 9 Realignment

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy & Vollero and Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority staff; Tim Gillen of CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler; Dennis Enright of NW Financial; Freeholder Liaison Chester Holmes; and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
Executive Session
May 18, 2005

TOPIC: Litigation/DeCuollo

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy & Vollero and Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority staff; Tim Gillen of CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Jonathan Williams of DeCotiis, Fitzpatrick, Cole & Wisler; Dennis Enright of NW Financial; Freeholder Liaison Chester Holmes; and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session
June 15, 2005

TOPIC: Contracts/MRF Agreements

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus and Lapolla. Also present was alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Richard Rudin; Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
Executive Session
June 15, 2005

TOPIC: Contracts/Solid Waste and Recycling

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus and Lapolla. Also present was alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Richard Rudin; Clerk Joseph C. Bodek.

Mr. Williams noted that the contract towns are on a put or pay basis. He then explained the limits provided for in the contracts. A number of the towns have reached their limits for disposal placed in their contracts and are requesting to purchase additional capacity. The Authority has no capacity available to sell, due to its contract with Covanta. If these towns go over the amount of waste established in their contracts, they will be charged for disposal of that waste at a higher rate.
<<Redacted – Attorney Client Privilege – Privileged under OPRA>>

Mr. Crane noted that some of the increased tonnage that the towns are experiencing comes from a court mandate for them to pick up waste at apartment complexes and condos. Previously these units were handled by private firms.

Union County Utilities Authority
Executive Session
June 15, 2005

TOPIC: Contracts/South Plainfield

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus and Lapolla. Also present was alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Richard Rudin; Clerk Joseph C. Bodek.

Dr. Spatola explained the resolution for the MRF's with South Plainfield Transfer & Recycling, Inc. to the Commissioners. He noted that a second resolution provided for administrative action to include this facility in the Union County District Solid Waste plan. Mr. Williams noted that there is a conflict between flow control and the DEP requirement to permit facilities (MRF's) to recycle.

Union County Utilities Authority
Executive Session
June 15, 2005

TOPIC: Litigation/Route 1 & 9 Realignment

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus and Lapolla. Also present was alternate Commissioner Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Richard Rudin; Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
July 20, 2005
Executive Session Minutes

TOPIC: Contracts/BRI Agreement/Pyskaty Agreement

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla and Vollero. Also present was alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Richard Rudin of Weiner Lesniak; Alan Roth, Esq.;Clerk Joseph C. Bodek

Dr. Spatola reported that there were resolutions on tonight's agenda to authorize two additional materials recovery facilities(MRF) to accept Union county waste. The first was for Bridgewater Resources, Inc. (BRI). He noted that we had received a large settlement from this company for waste flow violations. The second was for J. Pyskaty Disposal, Inc., a family owned company. Mr. Cohen asked if BRI had paid all the fines due the Authority. Dr. Spatola said all funds had been paid.
<<Redacted – Attorney-client privilege – Privileged under OPRA>>

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Union County Utilities Authority
July 20, 2005
Executive Session Minutes

TOPIC: Personnel/Solid Waste Enforcement

PRESENT: Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla and Vollero. Also present was alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Richard Rudin of Weiner Lesniak; Alan Roth, Esq.; Clerk Joseph C. Bodek

Mr. Roth explained the need for need for Special Counsel for Legal Services. It was recommended that Andrew M. Baron, Esq., be hired for these services. Commissioner Lapolla noted that the Personnel Committee concurred with the recommendation. There were no objections.

Union County Utilities Authority
July 20, 2005
Executive Session Minutes

TOPIC: Personnel/Temporary Office Staff

PRESENT: Secretary Wolf, Treasurer Pe ople, Commissioners Badri, Jackus, Kennedy, Lapolla and Vollero. Also present was alternate Commissioner Huff. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Kraig Dowd of Brownstein Booth and Associates; Richard Rudin of Weiner Lesniak; Alan Roth, Esq.;Clerk Joseph C. Bodek

Mr. Roth explained the need to hire temporary office staff. The person would be hired for 28 hours per week and would waive benefits, and be paid $12.00 per hour. The employment would terminate on August 31, 2005. Evelyn Scott was recommended for the position. Commissioner Lapolla noted that the Personnel Committee concurred with the recommendation. There were no objections.

Respectfully submitted,

Joseph C. Bodek **Edward Kahn** **William Wolf**

Clerk **Chairman** **Secretary**

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Litigation/Route 1 & 9 Realignment

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis**,** Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Litigation/DeCuollo

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Contracts/Imporitico, Inc., Agreement

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

Dr. Spatola reported that the Imporitico firm owns and operates a MRF/Transfer station. The Authority is willing to enact an agreement with them regarding the acceptance of Type 10 & 25 Union County Generated Waste and returning residual waste to the Union County waste stream. The resolution and agreement being presented tonight, for approval, is similar to the resolutions and agreements with other MRF's.

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Contracts/Cell Tower

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

Dr. Spatola informed the Commissioner that he had met with an attorney representing T-Mobile on August 8, 2005, to discuss locating a cell tower on Authority property. The County of Union has entered into such agreements for location of their cell towers. The area in and around the resource recovery facility (RRF) is lacking sufficient cell tower facilities. The RRF would be an ideal location for a firm such as T-Mobile; however, the leasing of space would be subject to a bid. Dan McCarthy, Esq., is reviewing the legal considerations for the Authority. Mr. Cohen is reviewing other considerations. Commissioner Kennedy spoke in support of this matter, noting that it would help public cell phone users and would be a revenue source for the Authority.

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Contracts/Covanta

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

There was no report.

Union County Utilities Authority
August 17, 2005
Executive Session

TOPIC: Contracts/Rate Case

PRESENT: Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Kennedy, and Vollero, Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Jeff Enright on NW Financial; Jonathan Williams of DeCotiis, Fitzpatrick, Cole and Wisler; Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Litigation/Route 1&9 Realignment

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Litigation/Cycle Chem

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek.

<<Redacted – On-going negotiations – Privileged under OPRA>>

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Contracts/Contract Municipalities

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek.

There was no discussion on this matter.

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Contracts/Rate Case

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek.

Mr. Conti informed the Commissioners that the Authority has been using funds from the Bergen settlement to subsidize rate component to cover debt. There now exist a need to increase the disposal rate by $6.00 to $8.00 per ton. This would require a full rate case before the NJDEP. He then explained why. This increase would be for non-contractual 10/25 waste. Mr. Conti explained that he needs to obtain permission to file the rate case now, in order for the new rates to take effect on January 1, 2006. Chairman Kahn asked if this rate was anticipated. Dr. Spatola explained how the need was arrived at. At the conclusion permission was granted to file the case.

Union County Utilities Authority
September 21, 2005
Executive Session

TOPIC: Contracts/Contract Municipalities

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Jackus, Lapolla, and Vollero. Others Present: Dr. Spatola, and Mr. Crane of the Authority's staff; General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Kevin Conti of DeCotiis Fitzpatrick Cole and Wisler; and Clerk Joseph C. Bodek..

Mr. Roth noted the resignation of the Senior Solid Waste Enforcement Officer. He also noted that there now exist two vacancies in the enforcement staff and that a third person was on sick leave. Mr. Cohen asked why, procedurally, the Authority had to adopt a resolution accepting the resignation, when nothing could be done to force the individual to stay. Mr. Roth provided Mr. Cohen with an explanation for this.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

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Union County Utilities Authority
October 19, 2005
Executive Session Minutes

TOPIC: Litigation/DeCullo

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Brennan, Mr. Crane, General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Gina Bilangi of DeCotiis Fitzpatrick Cole and Wisler; Freeholder Holmes; and Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
October 19, 2005
Executive Session Minutes

TOPIC: Litigation/Route 1 & 9 Realignment

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Brennan, Mr. Crane, General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Gina Bilangi of DeCotiis Fitzpatrick Cole and Wisler; Freeholder Holmes; and Clerk Joseph C. Bodek..

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
October 19, 2005
Executive Session Minutes

TOPIC: Contracts/Host

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Brennan, Mr. Crane, General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Gina Bilangi of DeCotiis Fitzpatrick Cole and Wisler; Freeholder Holmes; and Clerk Joseph C. Bodek..

Dr. Spatola informed the Commissioners that he had reached out to Rahway Councilman David Brown to notify him of the scheduled outages at the resource recovery facility(RRF). During the discussion, the Councilman requested that the Authority, consider, taking over the cost of the electric at the JFK center. The Councilman noted that the bills average about $1300.00 per month. Commissioner Kennedy spoke about the host community benefits that Rahway, and local organizations have or had received. It has been a number of years since the facility, and the host benefits associated with it, opened. He detailed a number of the benefits that had been provided by Covanta to Rahway and various community groups. Commissioner Kennedy expressed the opinion that these types of requests should, more appropriately be addressed by Covanta. He offered to take the matter to Covanta. Finally it was noted that there are other community groups that are making similar request.

Union County Utilities Authority
October 19, 2005
Executive Session Minutes

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Brennan, Mr. Crane, General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Gina Bilangi of DeCotiis Fitzpatrick Cole and Wisler; Freeholder Holmes; and Clerk Joseph C. Bodek..

Mr. Crane reported that at the Covanta monthly co-ordination meeting, the following issues were discussed: 1) Security. Covanta will be replacing the current key system, to enter the facility, with an electronic swipe card. In addition, they will be adding some gates to the roadways around the facility, some of which will be accessed by the electronic swipe card. He detailed where Covanta would be placing the gates; 2) Covanta was exploring whether the UCUA would be interested in additional capacity to accommodate increasing deliveries of "contractual waste" total. Also, whether increasing the existing permitted capacity would be beneficial to both entities. This would be accomplished by obtaining a permit modification on the existing permitted steam level; 3) Covanta would again be burning wood chips at the facility at the request of the United States Department Environmental Protection and the NJDEP. The request from these agencies was part of their plan to eliminate the Asian Long Horn Beetle infestation.

Dr. Spatola informed the Commissions of a meeting that he had with Covanta, to explore contract issues that impact the UCUA and Covanta.

Union County Utilities Authority
October 19, 2005
Executive Session Minutes

TOPIC: Personnel

PRESENT: Chairman Kahn, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Others Present: Dr. Spatola, Mr. Brennan, Mr. Crane, General Counsel Neil Cohen; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; Gina Bilangi of DeCotiis Fitzpatrick Cole and Wisler; Freeholder Holmes; and Clerk Joseph C. Bodek..

There was no report.

Respectfully submitted

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary

Union County Utilities Authority
Executive Session Minutes
November 2, 2005

TOPICS: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority's staff; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
Executive Session Minutes
November 2, 2005

TOPICS: Litigation/Route 1&9 Realignment

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority's staff; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph C. Bodek.

<<Redacted – On-going litigation – Privileged under OPRA>>

Union County Utilities Authority
Executive Session Minutes
November 2, 2005

TOPICS: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority's staff; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph C. Bodek.

Dr. Spatola informed the Commissioners that the Covanta and the Authority are reviewing their contracts to make sure that all parties are working together.

Union County Utilities Authority
Executive Session Minutes
November 2, 2005

TOPICS: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Secretary Wolf, Treasurer People, Commissioners Badri, Jackus, Kennedy, Lapolla, and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, of the Authority's staff; Alan Roth, Esq.; Freeholder Chester Holmes; Kraig Dowd of Brownstein, Booth and Associates; and Clerk Joseph C. Bodek.

Mr. Roth informed the Commissioners that a notice has been received from the Union representing various Authority employees to start negotiating. The current contract is up on December 31, 2005. He is waiting for the Union to supply a list of proposed dates in order to schedule the negotiations. Mr. Roth noted that in addition to any salary adjustments there exist a need to change some of the language in the contract, so that the language in the contract and policy manual are consistent.

Mr. Roth reviewed the hiring of two replacement enforcement officers. He noted that with these hirings, it brings the total number of current enforcement officers to five.

Respectfully submitted,

Joseph C. Bodek	**Edward Kahn**	**William Wolf**
Clerk	**Chairman**	**Secretary**

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Contracts/Covanta

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

Mr. Crane advised the Commissioners that Covanta will be putting security gates in. He detailed the location and operation of the gates. Covanta has asked that the Authority supply them with the make, model and license plate of all cars owned by Authority staff, Commissioners, and professional staff who visit the facility.

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Litigation/DeCuollo

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

<<Redacted – On-going litigation – Privileged under OPRA>>

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Litigation/Route 1 & 9 Realignment - NJ DOT

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

<<Redacted – On-going litigation – Privileged under OPRA>>

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Contracts/Contract Municipalities

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

Mr. Williams informed the Commissioners that Berkley Heights has taken steps to begin municipal pickup of their garbage, noting that they are out to bid. He described their current method of collection. They have contacted the Authority and have asked to be allowed to bring the waste to the facility as a contracted town. He supported their request and explained why. The Commissioners asked if this was similar to when Kenilworth entered as a contracted town. Mr. Williams noted that there was a difference, as Kenilworth had municipal pick-up at the point they originally declined to enter into a contract with the Authority. Commissioner Jackus asked how many tons would be allocated to Berkley Heights, and does it impact on the other contractual towns. Mr. Williams responded that it would be no more than 15,000 tons and explained that there was minimal impact on the other towns. Commissioner Kahn asked if any of the other towns that currently did not have a contract with the Authority, decided to begin municipal pick-up, would they be allowed in. The answer was yes. There was further discussion and clarification on the Kenilworth issue. The Commissioners agreed to support the request of Berkley Heights.

Mr. Williams noted that when the contractual towns signed up, if one town was over and another was under, it would balance out. Now more and more towns were going over their tonnage. Mr. Crane noted some of the reasons that other contractual towns were experiencing an increase in their tonnage. Mr. Williams recommended that the Authority continue this practice, as it would reduce the penalties to towns that were going over. He also explained that the Authority should reconsider it's efforts towards recycling and encouraging towns to recycle more. A discussion followed on this point.

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Contracts/New Jersey Meadowlands Commission

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

<<Redacted – On-going negotiations – Privileged under OPRA>>

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UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Contracts/Pay to Play.

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

Mr. Williams explained the new pay to play statue to the Commissioners and the reasons for resolution #5. He explained the process that would be done in order to award a contract under a "Fair and Open Process" provided for in the statue.

UCUA
Executive Session Minutes
Reg. Mtg. 12/21/05

TOPIC: Personnel

PRESENT: Chairman Kahn, Vice-Chairman Kulish, Commissioners Badri, Jackus, Lapolla, People and Vollero. Also present were Alternate Commissioners Huff and Jorn. Others Present: Dr. Spatola, Mr. Brennan, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Richard Rudin of Weiner Lesniak; David Wadyka of DiFranceso, Bateman, Coley, Yospin, et al; Jonathan Williams and Gina Bilangi of Decotiis, Fitzpatrick, Cole and Wisler; and Clerk Joseph Bodek. Dennis Enright of NW Financial arrived at 7:07 pm.

There were no personnel matters discussed.

Respectfully submitted,

Joseph C. Bodek	Edward Kahn	William Wolf
Clerk	Chairman	Secretary