

Union County Utilities Authority
February 28, 2006

Annual Reorganization Meeting

General Counsel Neil Cohen called the meeting to order at 4:35 p.m. in the meeting room of the Union County Utilities Authority, 1499 Routes 1 & 9, North, Rahway, New Jersey.

Notice of Compliance with the Open Public Meetings Act was read by Joseph Bodek, Clerk of the Authority.

A roll call of the Commissioners showed the following present: Commissioners Badri, Kennedy, Lapolla, People, Volloero, Wolf, and Kahn. Also present was Alternate Commissioner Huff. Commissioner Jackus arrived at 4:37 p.m.

Commissioners Absent: Commissioner Kulish. Also absent was Alternate Commissioner Jorn.

General Counsel Cohen designated Alternate Commissioner Huff to act for Commissioner Kulish.

Others Present: Dr. Spatola, Mr. Brennan, Mr. Hummel, Mr. Neafsey, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Tim Gillian of CME; Kraig Dowd of Brownstein Booth and Associates; Alan Roth, Esq.; Gina Bilangi and Jonathan Williams of Decotiis, Fitzpatrick, Cole and Wisler; Isabella Schroder of Malcolm Pirnie; Richard Rudin of Weiner Lesniak and Clerk Joseph Bodek.

General Counsel Cohen led the Pledge of Alliance.

Mr. Bodek provided proof of notice of the meeting.

Election of Officers

General Counsel Cohen asked for nominations for the office of Chairperson of the Authority. Commissioner Kahn nominated Commissioner Kennedy for the position of Chairperson of the Authority. The motion was seconded by Commissioner Lapolla, and approved unanimously by a roll call vote.

Chairman Kennedy thanked the Commissioners for their support and assumed the Chair.
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Chairman Kennedy asked for nominations for the office of Vice-Chairman of the Authority. Commissioner Kahn nominated Commissioner Kulish for the office of Vice-Chairman of the Authority. The nomination was seconded by Commissioner Lapolla and approved unanimously by a roll call vote.

Chairman Kennedy asked for nominations for the office of Treasurer of the Authority. Commissioner Kahn nominated Commissioner People for the office of Treasurer of the Authority. The nomination was seconded by Commissioner Lapolla and approved unanimously by a roll call vote.

Chairman Kennedy asked for nominations for the office of Secretary of the Authority. Commissioner Kahn nominated Commissioner Wolf for the office of Secretary. The nomination was seconded by Commissioner Lapolla and approved unanimously by a roll call vote.

Chairman Kennedy announced that he defer making committee appointments to the next meeting.

Approval of Minutes

Commissioner Lapolla moved the resolution approving the minutes of the regular public meeting of January 18, 2006. Commissioner Jackus seconded the motion, and it was approved with all voting yes, except for Commissioners Vollero and Kahn, who abstained.

Communications

Mr. Bodek noted that there was a letter from Commissioner and Mrs. Wolf thanking the Authority for the flowers and pen presented prior to the last meeting.

Mr. Bodek also noted a letter from the Greater Elizabeth Chamber of Commerce regarding their "Business Card Exchange."

Report of Officers

There were no reports from the Officers.

Report of Committees, Staff & Counsel - Public Session I

Finance and Budget

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Commissioner Lapolla reported that the Finance and Budget Committee had met and recommended approval of the listed resolutions. Commissioner Jackus then moved the following resolutions: 1) Approving consulting and legal vouchers for processing and payment; 2) Approving operating and resource recovery facility vouchers for processing and payment; 3) Designating certain financial institutions as official depositories for the monies of the Authority in accordance with N.J.S.A. 40A:5-14 for the year 2006; and 4) Authorizing increasing the caps for DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., Alan Roth, Law Offices, Garrubbo, Capiece, D'Arcangelo, Millman & Smith, P.C. and Brownstein Booth and Associates in their existing professional services contracts. The motion was seconded by Commissioner Kahn and approved unanimously by a roll call vote.

Personnel/Procurement/Insurance

Commissioner Lapolla moved the following resolutions: 1) Approving an agreement for the position of General Counsel and authorizing execution thereof; 2) Adopting a list of firms qualified to perform various services to the Authority pursuant to a request for qualifications process; 3) Reappointing certain professionals and consultants to the Authority; 4) Reappointing Thomas Brennan as the Affirmative Action and Public Agency Compliance Officer for the Authority. The motion was seconded by Commissioner Jackus and approved unanimously by a roll call vote. A fifth resolution was on the agenda appointing the risk management consultant to the Authority, but was removed, as the prior resolution reappointing certain professionals and consultants did the same thing.

Public Information

Commissioner Kahn moved the following resolutions: 1) Establishing a meeting schedule for the period March 2006 through the Authority's reorganization meeting in February 2007; and 2) Designating the official newspapers for the Authority as The Star Ledger and authorizing the use of the Home News Tribune, The News Record and Worrall Publications as supplemental newspapers. The motion was seconded by Commissioner Jackus. Commissioner Badri noted that there was a typo on the resolution designating the meeting dates, the January and February dates should have the year read 2007. The resolutions, as corrected, were then unanimously approved by a roll call vote.

Policy, Ethics & By-Laws

Chairman Kennedy reported that the Policy, Ethics & By-Laws Committee had met. He noted that the Committee was recommending some slight changes to the By-Laws. He noted the changes for the Commissioners. These changes have been incorporated into the copies of the By-Laws before the Commissioners, this evening for adoption. Commissioner Kahn then moved the resolution authorizing the readoption of the bylaws of the Authority. The motion was seconded by Commissioner People and approved unanimously by a roll call vote.

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Operations

Dr. Spatola reported that a review of Authority records determined that there were records that were no longer needed by the Authority and were beyond the retention schedule recommended by the State. He noted that permission to destroy these records had been received from the State Division of Archives and Records Management and the Authority's Auditors. Commissioner Badri moved the resolution authorizing the disposal of certain archived Authority files. The motion was seconded by Commissioner People and approved unanimously by a roll call vote.

Dr. Spatola reported on the Covanta Co-ordination meeting. The first item discussed was the amount of waste being delivered to the facility by the Authority under its various programs. He then noted that in March, Covanta will begin its annual maintenance of the facility and that will result in outages. He next explained that Covanta has finished issuing ID tags to all vehicles and will begin checking on the vehicles in the parking lot. Dr. Spatola also noted that stack testing, at the facility, had been done in February. The report has not yet been completed. Finally he noted a meeting that was held today between the Authority, Covanta, and the Department of Transportation, dealing with access to the facility during the realignment of Routes 1 & 9. Mr. Gillian reviewed the construction schedule for the Commissioners.

Mr. Crane reported on the number of solid waste flow investigations, and of what type they were. He noted that cases settled during the month of January amounted to \$5,250.00, being collected.

Dr. Spatola noted that the landfill gas vent testing is an annual requirement of the air permit for this facility. Testing was done in 2005 in the month of August. He described the types of vents on site. Mr. Gillian reported on the testing. He noted that the total annual emissions were 2.35 tons per year. This amounted to 3 and 1/3% of the amount permitted.

Solid Waste and Recycling

Dr. Spatola informed the Commissioners that there was a resolution in their packets recommending a Solid Waste Plan Amendment by administrative action. He noted that the action would allow an Elizabeth firm, D-Wood, to permanently operate as a Class B recycling center. A

representative of the firm was present to answer questions. There were no questions. Commissioner Jackus moved the resolution recommending an amendment to the Union County District Solid Waste Management Plan to include the D-Wood, Inc., Class B recycling facility into the Union County District Solid Waste Management Plan. The motion was seconded by Commissioner Badri and approved unanimously by a roll call vote.

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New Business

There was no new business.

Public Comment

Mr. Bodek read a statement setting the conditions under which public comment would be allowed. Public Comment began at 5:00 p.m.

Anthony Galluzzo of Galluzzo Brothers Disposal was the first person to speak. He thanked the Commissioners for the action that has been taken regarding trailers removing demolition waste out of state. The issue had been raised at the last meeting. He then asked questions about companies being allowed to take waste to transfer stations that they own, the rates that they are charging, and if the Authority was contemplating stationing any inspectors at these facilities. He also reviewed a number of issues regarding waste flow and how it was affecting his business. Mr. Galluzzo also noted that some companies are charging a flat rate for containers, versus charging by the weight. Mr. Williams spoke on the issues raised by Mr. Galluzzo.

Gerry Infantino of Infantino Brothers spoke next. It was his point of view that besides the problems with construction and demolition waste, there are also issues with other companies not following the rules regarding Type 10 waste. He asked how many "code 10" tickets were issued. He believed that waste flow was not being adequately enforced.

Peter Furino of R.N.D. Disposal was the next speaker. He asked if the Authority could prevail upon Covanta to improve the weight tickets they issue haulers. Parts of the ticket are not legible, making it very difficult to read the price being charged.

Fabio of A & S Sanitation Services was the final speaker. He asked if the Authority had any answers to the questions raised at last month's meeting. He reviewed the issues for the staff and Commissioners. Mr. Williams responded to the issues and questions raised. He felt that all firms should be paying the same rates and the Authority should have the same rules for all

companies, with the same cost. Mr. Williams again responded to the issues. Mr. Williams recommended that a separate meeting with the haulers should be held, where these matters could be discussed separately from the public meeting where the time could be devoted to this matter.

The public session ended at 5:30 p.m.

Chairman Kennedy noted that the Commissioners are moving to address the issues being raised. In addition they had been given a staffing report that would be reviewed. He assured all that he believed everyone was on the same page.

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Mr. Bodek noted the reasons the Authority was going into executive session. Commissioner Badri moved to go into executive session to discuss those matters pertaining to contracts, litigation, and/or personnel. The motion was seconded by Commissioner Wolf, and approved unanimously by a roll call vote. The Authority convened into executive session at 5:35 pm. Commissioner People left the meeting at the start of the executive session.

Upon motion of Commissioner Badri, seconded by Commissioner Vollero, and approved unanimously by a voice vote, the Authority reconvened into public session at 6:15 pm. Commissioner Kahn had left the meeting during the executive session.

Reports of Committees, Staff & Counsel - Public Session II

Commissioner Badri moved the resolution approving the payment of settlement of DeCuollo V UCUA et. al.. The motion was seconded by Commissioner Huff and approved unanimously by a roll call vote

Unfinished Business

There were no items of unfinished business.

Public Comments by Commissioners/Freeholder Liaison Chester Holmes

There were no public comments.

There being no further business to come before the Authority, Commissioner Lapolla moved to adjourn the meeting. The motion was seconded by Commissioner Wolf and approved unanimously by a roll call vote. The meeting was adjourned at 6:18 pm.

Respectfully submitted,

Joseph C. Bodek
Clerk

Edward Kahn
Chairman

William Wolf
Secretary