

Union County Utilities Authority
November 9, 2006
Regular Public Meeting

Vice-Chairman Kulish called the meeting to order at 6:35 p.m. in the meeting room of the Union County Utilities Authority, 1499 Routes 1& 9 North, Rahway, New Jersey.

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

A roll call of the Commissioners showed the following present: Vice-Chairman Kulish, Treasurer People, Secretary Wolf, Commissioner Lapolla. Also present were Alternate Commissioners Huff and Jorn.

Commissioners Absent: Chairman Kennedy, Commissioners Badri, Jackus, Kahn and Vollero.

Others Present: Dr. Garg, Mr. Brennan, Mr. Neasfey, and Mr. Crane of the Authority's staff; Neil Cohen, General Counsel; Kraig Dowd of Brownstein Booth and Associates; Ed Trainia of CME Associates; Jeff Enright of NW Financial; Kevin Conti of Decotiis, Fitzpatrick, Cole & Wisler; Deputy Clerk Lisa Miskiewicz and Clerk Joseph Bodek.

Vice-Chairman Kulish led the Pledge of Alliance.

Mr. Bodek provided proof of notice of the meeting.

Vice-Chairman Kulish appointed Alternate Commissioner Huff to act for Commissioner Kennedy and Alternate Commissioner Jorn to act for Commissioner Badri.

Commissioner Lapolla moved to go into executive session for the purpose of discussing matter pertaining to contracts, litigation and/or personnel. The motion was seconded by Commissioner People. Mr. Bodek read a statement as to the reasons that the Authority was entering into executive session and that the Authority make take official action when it returns to public session. The motion was approved unanimously by a roll call vote.

The Authority entered into executive session at 6:39 p.m.

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Upon motion of Commissioner Lapolla, seconded by Commissioner Huff and approved unanimously by a roll call vote the Authority reconvened into public session at 6:45 p.m.

Commissioner Lapolla moved the resolution endorsing and recommending an amendment to the Union County Solid Waste Management Plan pertaining to the Solid Waste Management strategy for the Union County Solid Waste Management District. The motion was seconded by Commissioner Wolf and approved unanimously by a roll call vote.

Approval of Minutes

Commissioner Lapolla moved the resolution approving the regular session and executive session minutes of the October 18, 2006 meeting. The motion was seconded by Commissioner Wolf and approved by a roll call vote, with all voting in favor except Commissioner Huff, who abstained.

Communications

Mr. Bodek read a thank you note from Commissioner Vollero for the fruit basket sent him by the Commissioners and staff for his illness. Mr. Bodek then read a letter from the Greater Elizabeth Chamber of Commerce regarding arraignments for the State Chambers "Walk to Washington." The train ride would take place on February 1, 2007 and February 2, 2007.

Report of Officers

There were no reports from the officers.

Reports of Committees, Staff & Counsel - Public Session I

Finance and Budget

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

Commissioner Kulish reported that the Finance and Budget Committee had also discussed the budget for 2007. The Committee was recommending adoption of the annual

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budget. Commissioner Jorn moved the resolution authorizing the consideration of the annual budget for the fiscal year January 1, 2007 to December 31, 2007. The motion was seconded by Commissioner Lapolla and approved unanimously by a roll call vote.

Personnel/Procurement/Insurance

There was no report.

Operations

Dr. Garg informed the Commissioners that due to the short time frame between this meeting and the last one, there had not been a Covanta Coordination Meeting. He did note that a review of numbers for waste delivery and revenue indicated that the Authority is on tract.

Dr. Garg noted that there was nothing to report on the Route 1&9 realignment.

Mr. Crane reported that for the month of October there had been 443 solid waste flow inspections/investigations (340 type 13 and 103 type 10). Waste flow settlements for the month of October totaled \$48,000.00.

Solid Waste & Recycling

Dr. Garg stated that there are a few items to be discussed, on this matter, in executive session.

New Business

There were no items of new business.

Public Comment

Dr. Garg informed the public that one of the items the Authority would be discussing in executive session would be the award of the bid for Type 13 non-processable waste. If anyone wanted to speak on this issue, now would be the appropriate time.

Michael Kesler, in-house counsel for Waste Management spoke. Mr. Kesler addressed the Commissioners on what he characterized as serious deficiencies in the bids of the

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Delaware and Hudson Railway Company, Inc., The WSG/Bridgewater Resource Incor., and the Interstate Waste Bid. He noted that the objections had been sent to the Authority in writing. Mr. Kessler detailed each of his objections to each of the bidders, and urged the rejection of each of those.

Report of Committees, Staff & Counsel - Executive Session

There being no other individuals wishing to address the Authority, Commissioner Lapolla moved to go into executive session. The motion was seconded by Commissioner Wolf. Mr. Bodek read a statement as to why the Authority was entering into executive sessions. He noted that upon completion of the executive session the Authority, may upon returning to public session, take official action. The motion was approved unanimously by a roll call vote.

The Authority entered into executive session at 6:55 p.m.

Upon motion of Commissioner Jorn, seconded by Commissioner Wolf, and approved unanimously by a roll call vote the Authority reconvened into public session at 7:14 p.m.

Report of Committees, Staff & Counsel - Public Session II

General Counsel Cohen noted that the Authority had gone into executive session to discuss contract issues and legal issues raised by Mr. Kessler during the public session, on behalf of Waste Management. Also discussed were generic questions of law related to what is a waviabler and non-waviable defect in a bid.

Commissioner People noted that the Authority had received six bids for the disposal of solid waste types 13, 13C, 23 and 27. He noted that Delaware and Hudson Railway was the lowest bidder and that legal, financial and engineering advisors had reviewed the objections previously noted and found that the low bidder met all the requirements. He then moved the following resolution: Awarding a contract to the Delaware and Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway for the provision of disposal services for solid waste types 13, 13C, 23 and 27 generated in Union County and (2) authorizing the execution of a contract with Delaware and Hudson Railway Company, Inc., D/B/A Canadian Pacific Railway for such services. The motion was seconded by Commissioner Wolf and approved unanimously by a roll call vote.

Commissioner People then moved the resolution recommending an amendment to the Union County District Solid Waste Management plan to include the Delaware and Hudson Railway Company, Inc. D/B/A Canadian Pacific Railway Transfer Station into the Union County District Solid Waste Management Plan as the County's designated facilities to which all non-recycled solid waste types 13, 13C, 23 and 27 are directed for disposal. The motion was seconded by Commissioner Wolf and approved unanimously by a roll call vote.

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Unfinished Business

There were no items of unfinished business.

Public Comments by Commissioners/Freeholder Liaison Chester Holmes

There were no comments.

There being no further business to come before the Authority, Commissioner Wolf moved to adjourn the meeting. The motion was seconded by Commissioner Jorn and approved unanimously by a roll call vote. The meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Joseph C. Bodek
Clerk

James Kennedy
Chairman

William Wolf
Secretary