



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

## THURSDAY, FEBRUARY 24, 2011 MINUTES OF THE REGULAR MEETING

Chairman Deborah P. Scanlon called the meeting to order at 7:02pm. Roll call showed Vice Chairman Alexander Mirabella, Freeholder Linda Carter, Freeholder Christopher Hudak, Freeholder Mohamed S. Jalloh, Freeholder Bette Jane Kowalski, Freeholder Daniel P. Sullivan and Freeholder Nancy Ward were in attendance. Freeholder Angel G. Estrada was absent.

Also present were County Manager George W. Devanney, County Counsel Robert E. Barry, Esq. and Clerk of the Board Nicole L. DiRado.

The Prayer and Salute to the Flag were led by the Clerk of the Board.

The Statement of Compliance with the Open Public Meetings Act was read by the Clerk of the Board.

Freeholder Estrada entered the meeting.

### PRESENTATIONS FROM THE BOARD

1. A Resolution presentation was made to the Union County Vocational Technical School in honor of Vocational Technical Education and Future Farmers of America Month.

Chairman Scanlon called upon Vice Chairman Alexander Mirabella and Freeholder Sullivan to join her in presenting a Resolution to Dr. Thomas Bistocchi for the Vocational-Technical Education and Future Farms of America Month. Dr. Bistocchi recognized Bonnie Baldassar, the Chapter Advisor and the students. The names of the students and their accomplishments are attached.

Dr. Bistocchi enlightened the Board with the High School Proficiency Assessment Results for the 2009-2010 School Year, whereas the Union County Vocational-Technical schools ranked in the top four, the total comparative cost per pupil district budget, ranked 18, total comparative cost per pupil expenditure ranked 17 and the scholastic aptitude tests results ranked 1, 2, 5 and 12<sup>th</sup>. See attached.

2. A Resolution presentation will be made to members of the Union County St. Patrick's Day Parade Committee.

Chairman Scanlon, Freeholder Sullivan and Freeholder Ward presented the members of the St. Patrick's Day Parade with a Resolution. Chairman Scanlon congratulated this year's Grand Marshal, Adjutant and General Chairman. She read their Resolutions aloud and announced that the St. Patrick's Day Parade will be held on March 12<sup>th</sup> at 1:00 in Union.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Grand Marshal David Bell said a lot of work goes into the parade. It has been a humbling experience, and he is proud to have been chosen as this year's Grand Marshal.

### SUSPEND THE RULES

Chairman Scanlon called for a motion to suspend the rules. The motion was seconded by Vice Chairman Mirabella and seconded by Freeholder Sullivan. Roll call showed nine members of the Board voted in the affirmative.

Chairman Scanlon announced that this will be a joint meeting with the Union County Utilities Authority Board.

### FINAL READING OF THE ORDINANCE 717-2011, AN ORDINANCE TO AMEND THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

### JOINT MEETING OF THE UNION COUNTY FREEHOLDER BOARD AND THE UNION COUNTY UTILITIES AUTHORITY BOARD

### MCENROE HEARING

ORDINANCE NUMBER 717-2011 (The Title of the Ordinance was read by the Clerk of the Board).

AN AMENDMENT TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCORPORATE EXTENSIONS OF AND MODIFICATIONS TO THE TERMS AND PROVISIONS OF THE FACILITY LEASE AGREEMENT AND THE AMENDED AND RESTATED WASTE DISPOSAL AGREEMENT WITH COVANTA UNION, INC., FOR THE OPERATION OF THE UNION COUNTY RESOURCE RECOVERY FACILITY AND TO THE LOCAL WASTE AGREEMENTS WITH THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES THEREIN AS PART OF THE UNION COUNTY SOLID WASTE SYSTEM, AND TO REAFFIRM IMPLEMENTATION AND ENFORCEMENT OF REGULATORY WASTE FLOW CONTROL FOR PROCESSIBLE WASTE GENERATED IN UNION COUNTY.

### AN ORDINANCE TO AMEND THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

\*\*\*\*\*

**1) INCORPORATE EXTENSIONS OF AND MODIFICATIONS TO THE TERMS AND PROVISIONS OF THE FACILITY LEASE AGREEMENT AND THE AMENDED AND RESTATED WASTE DISPOSAL AGREEMENT WITH COVANTA UNION, INC. FOR THE OPERATION OF THE UNION COUNTY RESOURCE RECOVERY FACILITY, 2) INCORPORATE EXTENSIONS OF AND MODIFICATIONS TO THE TERMS AND PROVISIONS OF TO THE LOCAL WASTE AGREEMENTS WITH THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES THEREIN AS PART OF THE UNION COUNTY SOLID WASTE SYSTEM, AND 3) REAFFIRM IMPLEMENTATION AND ENFORCEMENT OF REGULATORY WASTE FLOW CONTROL FOR PROCESSIBLE WASTE GENERATED IN UNION COUNTY**

AS RECOMMENDED  
BY THE UNION COUNTY UTILITIES AUTHORITY

**WHEREAS**, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Union is designated as a Solid Waste Management District and by law did develop and prepare a District Solid Waste Management Plan (“County Plan”) that was adopted by the Union County Board of Chosen Freeholders on June 7, 1979, pursuant to and in accordance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; and

**WHEREAS**, the County Plan was approved, with modifications, by the Department of Environmental Protection (“NJDEP”) on August 13, 1980, and has since been amended and modified from time to time; and

**WHEREAS**, on December 11, 1986, the Union County Board of Chosen Freeholders designated the Union County Utilities Authority (“UCUA”) as the agency responsible for the implementation of the County Plan, as amended from time to time, and the UCUA is empowered to plan, acquire, construct, maintain and operate facilities for the processing, disposal and/or recycling of solid waste generated in the County; and

**WHEREAS**, the UCUA has formulated a Plan Amendment, and recommends that this Board set a public hearing for the purpose of taking public testimony on the proposed plan amendment, and review and enact said amendment that is now on file with the Clerk of this Board and available for public inspection and is made a part hereof by reference; and

**WHEREAS**, the subject amendment is summarized as follows:

This Plan Amendment is prepared as a result of a determination by the UCUA to extend and modify the terms of the existing Amended and Restated Waste Disposal



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Agreement and the Facility Lease Agreement governing the operation by Covanta Union, Inc. of the UCUA's 1,540 tons-per-day resource recovery facility ("UCRRF") located in the City of Rahway, New Jersey. The proposed modifications are projected to result in benefits in excess of \$250 million from Covanta and the refinancing of existing debt that will be shared by all citizens of the County.

The purpose of this Plan Amendment is to incorporate the extensions of and modifications to the terms and provisions of the Facility Lease Agreement and the Amended and Restated Waste Disposal Agreement into the County Plan; incorporate the extensions of and modifications to the Local Waste Agreements with the County of Union and certain municipalities into the County Plan as part of the County Solid Waste System; and to reaffirm the implementation and enforcement of regulatory waste flow control for processible waste generated in the County.

**WHEREAS**, pursuant to the Solid Waste Management Act, the County's Solid Waste Advisory Committee ("SWAC") must be consulted with respect to amendment to the County Plan; and

**WHEREAS**, by Resolution No. 76-2011, duly adopted January 19, 2011, the UCUA approved the Plan Amendment and recommended that the Plan Amendment be approved by the Board of Chosen Freeholders of the County, after public hearing in accordance with the Solid Waste Management Act; and

**WHEREAS**, pursuant to and in accordance with the provisions of the Solid Waste Management Act, the Plan Amendment was presented to SWAC.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Chosen Freeholders of the County of Union, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Plan Amendment, as prepared and recommended by the Union County Utilities Authority, is hereby adopted as an Amendment to the Union County District Solid Waste Management Plan.
3. Any provision of the County Plan that is inconsistent with the Plan Amendment is hereby repealed to the extent of said inconsistency and the provisions of the Plan Amendment shall be fully effective and shall control.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

4. A certified copy of this Ordinance, as finally adopted, together with the Plan Amendment, shall be forwarded to the New Jersey Department of Environmental Protection, the County Clerk of the County of Union, and the Union County Utilities Authority.
5. The Clerk of this Board shall publish and disseminate notice of this Ordinance as provided by law.
6. The aforesaid Plan Amendment and a copy of the transcript of the public hearing to be held at such time as may be scheduled by said Board of Chosen Freeholders, and the necessary deliberations shall be submitted to the Commissioner of the New Jersey Department of Environmental Protection.
7. This Ordinance shall take effect in the manner prescribed by law.

This meeting is now open to the public for purpose of  
Commenting on Ordinance Number 717-2011

Paul Kastaize, Summit, Union County Solid Waste Advisory Council, stated that there was a Special Meeting on January 16, 2011 to review and discuss the plans requested by State Statute. He said that there were several questions that needed to be answered, which will be forwarded to each municipality and the County via e-mail. He said that by consensus of the Committee, no action is required of the proposed Plan Amendment.

Bruce Paterson, Garwood, stated that there were discussions at the Garwood Council Meeting and there were questions and concerns regarding the plan. He urged the Board to vote no for Ordinance 717-2011.

Mr. Paterson had a list of questions for the Utilities Authority and he asked the Board to vote no and to revisit the matter in ten years.

Jonathan Williams, Esq. and Dennis Enwright answered Mr. Paterson's questions.

The Meeting of the Union County Utilities Authority Board was called to order.

Chairman John Kulish called upon Jonathan Williams, Esq., Bond Council for the Union County Utilities Authority, Dennis Enright, President of N&W Financial and Steve Gabel of Gabel Associates, Inc. to make a presentation relative to the Plan amendment and the McEnroe Petition.

A Presentation regarding the Plan Amendment and McEnroe Petition was given.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

A Stenographer was present and the Minutes are attached. Also attached is the Economic Review of the Amended Agreements between Union County Utilities Authority and Covanta Union which was prepared by Gabel Associates Inc.

Chairman Kulish closed the McEnroe Hearing.

Chairman Kulish adjourned the Union County Utilities Authority Meeting.

Chairman of the Freeholder Board Deborah Scanlon thanked the members of the Union County Utilities Authority for attending the Meeting.

Freeholder Sullivan moved Ordinance 717-2011 for Final Reading and authorized the Clerk of the Board to advertise same in accordance with the law. The motion was seconded by Vice Chairman Mirabella. Roll call nine members of the Board voted in the affirmative.

Chairman Scanlon called for a ten minute recess prior to the start of the Freeholder Regular Meeting.

### APPROVAL OF COMMUNICATIONS

Chairman Scanlon called for a motion to approve the Communications. On a motion made by Vice Chairman Mirabella and seconded by Freeholder Jalloh, roll call showed nine members of the Board voted in the affirmative.

Note and File

Oaths of Office

### APPROVAL OF MINUTES

Chairman Scanlon called for a motion to approve the following Minutes:

1. February 3, 2011 – Agenda Meeting Minutes
2. February 10, 2011 – Regular Meeting Minutes

On a motion made by Freeholder Kowalski and seconded by Freeholder Carter, roll call showed eight members of the Board voted in the affirmative with Freeholder Ward abstaining from the February 3, 2010 Agenda Meeting Minutes and eight members of the Board voted in the affirmative with Vice Chairman Mirabella abstaining from the February 10, 2011 Regular Meeting Minutes.



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

## ORDINANCE FOR FIRST READING

ORDINANCE NUMBER 718-2011 (The title of the Ordinance was read by the Clerk of the Board).

AN ORDINANCE TO AMEND THE UNION COUNTY DISTRICT SOLID WASTE PLAN TO INCLUDE FULL CIRCLE MANUFACTURING GROUP, INC., AS A CLASS D RECYCLING CENTER LOCATED IN THE CITY OF ELIZABETH.

### **AN ORDINANCE TO AMEND THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN**

\*\*\*\*\*

**TO INCLUDE FULL CIRCLE MANUFACTURING GROUP, INC. AS A CLASS D RECYCLING CENTER LOCATED IN ELIZABETH, NEW JERSEY AS RECOMMENDED BY THE UNION COUNTY UTILITIES AUTHORITY.**

**WHEREAS**, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Union is designated as a Solid Waste Management District and by law did develop and prepare a District Solid Waste Management Plan ("County Plan") that was adopted by the Union County Board of Chosen Freeholders on June 7, 1979, pursuant to and in accordance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; and

**WHEREAS**, the County Plan was approved, with modifications, by the Department of Environmental Protection ("NJDEP") on August 13, 1980, and has since been amended and modified from time to time; and

**WHEREAS**, on December 11, 1986, the Union County Board of Chosen Freeholders designated the Union County Utilities Authority ("UCUA") as the agency responsible for the implementation of the County Plan, as amended from time to time, and the UCUA is empowered to plan, acquire, construct, maintain and operate facilities for the processing, disposal and/or recycling of solid waste generated in the County; and

**WHEREAS**, the UCUA has formulated a Plan Amendment, and recommends that this Board set a public hearing for the purpose of taking public testimony on the proposed plan amendment, and review and enact said amendment that is now on file with the Clerk of this Board and available for public inspection and is made a part hereof by reference; and

**WHEREAS**, the subject amendment is summarized as follows:

This Plan Amendment is prepared as a result of a determination by the UCUA to include Full Circle Manufacturing Group, Inc. into the Union County District Solid Waste Management Plan as a Class D Recycling Center.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

The purpose of this Plan Amendment is to modify the County Plan to include Full Circle Manufacturing Group, Inc. (“Full Circle”) as a prerequisite to securing a NJDEP Class D Recycling Center General Approval. Full Circle has proposed, and is hereby being admitted to the County Plan, to accept up to 92 tons/21,622 gallons per day (11 million gallons per year) of used antifreeze, various refined Glycols (Ethylene, Propylene and Diethylene) and used petroleum oil from within and it is assumed, from generators outside of the County, at its 534 South Front Street location in Elizabeth (Block 4, Lots 39, 1447, 1448, 1449, 1466 and 1467) via rail and road tankers and then processed through a distillation unit. The resulting end product will be marketed and then transported off site to Full Circle’s customers primarily by road tankers.

Full Circle’s facility is located in an industrial zone and there are no residential homes within 2000 feet of the facility. Full Circle currently holds a valid Federal and State Air Pollution Center Permits. The facility is identified as ID #NRGS5000151

**WHEREAS**, pursuant to the Solid Waste Management Act, the County's Solid Waste Advisory Committee (“SWAC”) must be consulted with respect to amendment to the County Plan; and

**WHEREAS**, by Resolution No. 17-2011, duly adopted February 9, 2011, the UCUA approved the Plan Amendment and recommended that the Plan Amendment be approved by the Board of Chosen Freeholders of the County, after public hearing in accordance with the Solid Waste Management Act; and

**WHEREAS**, pursuant to and in accordance with the provisions of the Solid Waste Management Act, the Plan Amendment was presented to SWAC:

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Chosen Freeholders of the County of Union, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Plan Amendment, as prepared and recommended by the Union County Utilities Authority, is hereby adopted as an Amendment to the Union County District Solid Waste Management Plan.
3. Any provision of the County Plan that is inconsistent with the Plan Amendment is hereby repealed to the extent of said inconsistency and





## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

the provisions of the Plan Amendment shall be fully effective and shall control.

4. A certified copy of this Ordinance, as finally adopted, together with the Plan Amendment, shall be forwarded to the New Jersey Department of Environmental Protection, the County Clerk of the County of Union, and the Union County Utilities Authority.
5. The Clerk of this Board shall publish and disseminate notice of this Ordinance as provided by law.
6. The aforesaid Plan Amendment and a copy of the transcript of the public hearing to be held at such time as may be scheduled by said Board of Chosen Freeholders, and the necessary deliberations shall be submitted to the Commissioner of the New Jersey Department of Environmental Protection.
7. This Ordinance shall take effect in the manner prescribed by law.

Freeholder Sullivan moved Ordinance 718-2011 for First Reading and authorized the Clerk of the Board to advertise same in accordance with the law. The public hearing and final reading are scheduled for Thursday, March 17, 2011. The motion was seconded by Vice Chairman Mirabella. Roll call showed nine members of the Board voted in the affirmative.

### PUBLIC COMMENT PORTION

The meeting is open to the public for the purpose of commenting on Resolutions being offered for adoption only.

Bruce Paterson, Garwood, stated that he is opposed to Resolution 2011-180. He said it should be the Board of Education of each school districts responsibility. He said that he is in favor of Resolution 2011-181. In reference to Resolution 2011-183, he said the service should be provided in-house; he said that Resolution 2011-186 does not have a County purpose; Resolution 2011-190, he asked if the petty cash mention is one account; Resolution 2011-194, he asked if this is a bond or are the funds coming from the Open Space, Recreation, and Historic Preservation Trust Fund and asked why the construction will consists of natural grass fields, rather than turf field. He asked for an explanation of Resolution 2011-196 and on Resolution 2011-203, he asked how many parking spaces are included in the lease amount. Mr. Paterson questioned the purpose of Resolution 2011-207 and asked why there are three Resolutions (2011-209, 2011-210 and 2011-211) for transporting voting machines. On Resolution 2011-213, he asked for an explanation of “rewarding.” In reference to Resolutions 2011-214 and 2011-215, he asked if the County is acquiring property.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Mr. Paterson stated that County Manager Devanney had mentioned that there will be a Resolution for services of a Dispatch Center for tonight's meeting, but he did not see it listed on the Agenda.

Director Guzzo responded to the question on Resolution 2011-180. He said it is to supply educational services upon request and Resolution 2011-181, he explained it is direct training to the Division of Social Services so they could assist in grants. Resolution 2011-183, he explained that the County writes the grants and there is a small retainer fee to search for available grants. He said that if the County is interested then we will charge an hourly rate.

Director Caroselli responded to Resolution 2011-190. He stated that the purpose of the Resolution is to ease the administration burden. He said the account is assigned to the Clerk of the Board's office. Instead of replenishing the funds every two weeks, it will be once a month.

Director Caroselli explained that Resolution 2011-194 is for the Ponderosa Farm project and \$500,000 will be come from Capital funds and the remaining balance will come from the Open Space, Recreation, and Historic Preservation funds.

County Manager Devanney explained further that Resolution 2011-194 was funded by Capital funds on a year to year basis at the time of the budget. He said the debt service could be paid out of the Open Space, Recreation, and Historic Preservations funds. He stated the County received \$750,000 from Green Acres, which was less than the engineers cost estimate. County Manager Devanney also explained the reason for the grass fields. He said there were a number of discussions with the Citizens Committee about the design of the fields and since the park's location is in the middle of a residential neighborhood, the citizens preferred it to be a grass field rather than turf. In order for maximum playability of turf fields, lighting would be needed and the citizens were not in favor of it.

Deputy County Manager Genievich stated that Resolution 2011-196 is for intervention management for suicide intervention and prevention and mental stress, which is vital at the workplace. She said that being ahead of the issue is better than too late, and it has historically been beneficial.

Director Graziano said that Resolution 2011-203, consists of three different parking lots, one lot contains 104 spaces, the second lot contains 118 spaces and the third lot contains 125 spaces for a total of 347 spaces.

County Counsel Barry, Esq. explained Resolutions 2011-2007 and 2011-2008, stating that they are part of the fair and open process beginning with an RFQ. He said that the purpose of the Resolutions is for the approval of the prequalified list. Resolutions 2011-209, 210 and 211 are awarding the contracts.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

County Counsel Barry, Esq. commented on Resolutions 2011-214 and 2011-215. He explained that there is a possible acquisition, two appraisals are required and the funds are taken from the Open Space, Recreation and Historical Preservation Trust Fund.

Chairman Scanlon stated that the Resolution that pertains to the dispatch center expansion and shared dispatch consulting services is Resolution 2011-220 on the Agenda.

John Bury, Kenilworth, commented on Resolution 2011-196, stating that the services are needed. Mr. Bury commented on Resolution 2011-216, stating that it would be much cheaper to give Mr. Henderson his week's pay of \$1,500. He also questioned the law firm retained.

County Counsel Barry, Esq. stated that there is no conflict in using the law firm mentioned in Resolution 2011-216. He said that he cannot comment in depth as the matter is in litigation, but stated that Edward Henderson is suing for more than one week's pay. He said that Bauch, Zucker, Hatfield, LLC has been the County's outside counsel for seven years and that they were hired based on his referral and their high qualifications. He said that they represent personnel and labor negotiations and are awarded through the Fair and Open Process.

### RESOLUTIONS

Chairman Scanlon called for a motion to adopt Resolutions 2011-175 through 2011-236.

THE FOLLOWING RESOLUTIONS ARE BEING OFFERED FOR ADOPTION:

**2011-175** **FREEHOLDER ESTRADA**, appointing the following members to the **Advisory Board on the Disabled: Jennifer Holt Shah** for a term commencing January 1, 2009 through December 31, 2011; and **Matthew Petrusko** for a term commencing January 1, 2010 through December 31, 2012.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-176** **FREEHOLDER ESTRADA**, supporting **New Jersey Senate Bill S-2614**, creating the "Earn Your Way Out of Prison into Supervision, Treatment and Recovery Program," "to address the needs of certain drug or alcohol dependent offenders through the combination of effective clinical abuse treatment and strict supervision designed to reduce the health and social costs to the public of substance abuse and dependence and to increase public safety by reducing substance abuse related crime."

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

- 2011-177** **FREEHOLDER JALLOH**, authorizing the County Manager to enter into a contract to **Allstate Office Interiors, Princeton, New Jersey**, to purchase office furniture for Runnells Specialized Hospital through NJHA Group Purchasing pursuant to N.J.S.A. 30:9-87 & 88 for the contract period of February 15, 2011 through December 31, 2011 in the amount of **\$20,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-178** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Union County College, Cranford, New Jersey** for the operation of a Workforce Investment Act comprehensive year-round youth educational/occupational training program to provide approximately 200 in-school and out-of-school eligible youth aged 17-21 classroom instructional training and workshops for the contract period of March 1, 2011 through June 30, 2011 in the amount of **\$300,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-179** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Jewish Family Services, Elizabeth, New Jersey**, for the purpose of providing ongoing care management services to eligible senior and disabled clients for the Global Options Program for the period of January 1, 2011 through December 31, 2011 in the amount of **\$145,920**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-180** **FREEHOLDER KOWALSKI**, authorizing the County Manager to award a contract to **Jill Brown Associates, Westfield, New Jersey**, to provide Union County youth with information that encourages safe online activity and the use of digital media to help prevent cyber-bullying for the period March 1, 2011 through March 31, 2011 in the amount of **\$5,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-181** **FREEHOLDER KOWALSKI**, authorizing the County Manager to award a contract to **Thomas M. Rich, LLC, Berkeley Heights, New Jersey**, to provide cyber-bullying staff development training for social services agencies and non-profits throughout the county for the period March 1, 2011 through March 31, 2011 in the amount of **\$4,789**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

- 2011-182** **FREEHOLDER KOWALSKI**, supporting the **Coalition for New Jersey Jobs and Economic Health and the International Brotherhood of Teamsters Local Union 863** in their efforts to urge C&S Wholesale Grocers to continue to negotiate with A&P in order to keep 1,300 New Jersey workers employed.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-183** **FREEHOLDER KOWALSKI**, authorizing the County Manager to enter into a contract with **Millennium Strategies, Caldwell, New Jersey**, for the purpose of providing grant procurement services, evaluating the current inventory of existing grants and funding sources, creating and implementing new funding opportunities as well as managing and administering grants and grant funded projects for the period of March 1, 2011 through December 31, 2011 in an amount not to exceed **\$36,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-184** **FREEHOLDER SULLIVAN**, authorizing the County Manager to approve the application for administration of and disbursement of the **Neighborhood Stabilization Program #3** funds as authorized under the Department of Housing and Urban Development and County regulations.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-185** **FREEHOLDER SULLIVAN**, authorizing the County Manager to use the competitive contracting process to procure the following pursuant to N.J.S.A. 40A:11-4.1 et seq. **Computer Aid Mass Appraisal System** and **MOD IV Tax Assessor System** and **Credit Card Services**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-186** **FREEHOLDER SULLIVAN**, authorizing the County Manager to enter into a contract with **Mad Dog Presents, LLC, Jersey City, New Jersey**, to provide professional planning production and promotion services for the Summer Arts Festival of 2011 in the amount of **\$55,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2011-187 FREEHOLDER SULLIVAN**, appointing **Roy Eastman** to the **Union County Utilities Authority** for a term commencing February 1, 2011 through January 31, 2016 as an appointment from the City of Rahway.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-188 FREEHOLDER WARD**, reappointing the following members to the **Union County Air Traffic & Noise Advisory Board** for a term commencing January 1, 2011 through December 31, 2012: **Anita Szary, Alternate and Lynn Brown, Delegate.**

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-189 VICE CHAIRMAN MIRABELLA**, an amendment to the **Temporary 2011 Budget** in the amount of **\$1,838,812** as a result of notification received from the following agencies for a cumulative total of **\$226,450,364.04**:

- . **State of New Jersey Department of Children and Families – \$107,024**  
**“Transportation Title XX” – “Match – Transportation Title XX Grant” – \$30,955**
- . **“Intoxicated Drivers Program Grant” – \$3,615**
- . **New Jersey Department of Labor and Workforce Development – \$32,395**  
**“Disability Program Navigator Grant”**
- . **State of New Jersey Office of Homeland Security and Preparedness – \$384,948 – “FFY10 Urban Areas Security Initiative (UASI) Grant”**
- . **New Jersey Department of Health and Senior Services – \$30,000**  
**“State Health Insurance Assistance Program (SHIP)”**
- . **State of New Jersey Office of Homeland Security and Preparedness – \$1,249,875 – “FFY07 Port Security Grant Program (PSGP)”**

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-190 VICE CHAIRMAN MIRABELLA**, authorizing an increase in the Petty Cash Account for the Office of the Clerk of the Board from \$100 to \$200.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

- 2011-191** VICE CHAIRMAN MIRABELLA, supporting the **Elizabeth Portugal Day Committee** in the amount of **\$4,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-192** CHAIRMAN SCANLON, authorizing the County Manager to enter into a professional services agreement with **Trinitas Hospital, Elizabeth, New Jersey**, to provide individual therapy sessions to victims of sexual assault as well as non-offending parents, non-offending stepparents and non-offending caregivers of child sexual abuse victims in Union County for the period of January 1, 2011 through December 31, 2011 in the amount of **\$9,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-193** CHAIRMAN SCANLON, authorizing the County Manager to enter into a professional services agreement with **Catherine Kinney, RN, FN-CSA, Berkeley Heights, New Jersey** to serve as Acting SANE coordinator in Union County for the contract period March 15, 2011 until such time as services are no longer needed, but not to exceed March 14, 2012 in the amount of **\$21,000**, funded through the SART/SANE Grant Program.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-194** CHAIRMAN SCANLON, authorizing the County Manager to award the proposed contracts obtained through advertised public bidding in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq:

- a. Department of Engineering, Public Works and Facilities: Turco Golf, Inc., Suffern, New York, for the Ponderosa Farm Project, Township of Scotch Plains, which consists of construction of 2 new natural grass soccer fields, a paved driveway and parking lot, a rest room building, a tot lot and water spray park, planted landscape berms, paved walkways and a pedestrian bridge, a pre-manufactured maintenance building and site improvements including drainage facilities and site restoration in the amount of **\$3,490,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-195** CHAIRMAN SCANLON, authorizing the renewal of the **Union County Cooperative Pricing System**.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-196** CHAIRMAN SCANLON, authorizing the County Manager to enter into a contract with **Intervention Strategies International, Inc., Paramus, New Jersey**, to provide a comprehensive employee assistance program (EAP) to County employees and their families for the contract period of March 1, 2011 through December 31, 2011 in an amount not to exceed **\$47,600**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-197** CHAIRMAN SCANLON, approving the **Worker's Compensation Third Party Claim Administration Services** with **PMA Insurance Group, Mount Laurel, New Jersey** from March 1, 2011 through February 29, 2012 in an amount not to exceed **\$270,500**. (No increase)

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-198** CHAIRMAN SCANLON, approving the **Horse Accident Death Policy** with **Great American Insurance Company, Cincinnati, Ohio** from February 8, 2011 through February 7, 2012 in an amount not to exceed **\$1,426**. (Increase of \$130)

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-199** CHAIRMAN SCANLON, approving the **General Liability Third Party Claims Administration** with **Dietz and Hammer, D&H Alternative Risk Solutions, Newton, New Jersey** from March 1, 2011 through February 29, 2012 in an amount not to exceed **\$97,480**. (No increase)

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

- 2011-200** CHAIRMAN SCANLON, approving the **Public Official Bonds** for the following County Employees with the **Hartford Insurance Company, Hartford, Connecticut**:

- **George Devanney, County Manager**, for the period of March 16, 2011 through March 15, 2012 in an amount not to exceed **\$200**. (No increase)
- **Alan J. Falcone, Deputy County Clerk**, for the period of March 23, 2011 through March 22, 2012 in an amount not to exceed **\$1,750**. (No increase)





## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-201 CHAIRMAN SCANLON, joining the New Jersey Counties Joint Insurance Fund.**

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-202 CHAIRMAN SCANLON, approving the following Health Care Policies for Runnells Specialized Hospital with Princeton Insurance Company, Princeton, New Jersey:**

- Hospital General / Professional Liability Policy for the contract period March 1, 2011 through February 29, 2012 in an amount not to exceed **\$318,166 (no increase)**.
- Hospital General Umbrella Liability for the contract period March 1, 2011 through February 29, 2012 in an amount not to exceed **\$173,400 (no increase)**.
- Hospital Excess Umbrella Liability for the contract period March 1, 2011 through February 29, 2012 in an amount not to exceed **\$69,296 (no increase)**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-203 CHAIRMAN SCANLON, authorizing the County Manager to enter into a month-to-month lease agreement with the City of Elizabeth Parking Authority, Elizabeth, New Jersey, for the period of January 1, 2011 through December 31, 2011 for Lots #17 (Employee Parking – County Lot #2); Lot #6 (Employee & ID Parking – Jefferson Avenue); and Lot #6 (Jury Parking – Jefferson Avenue) for a total amount not to exceed \$37,510 per month and \$450,120 annually.**

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-204 CHAIRMAN SCANLON, authorizing the County Manager to enter into a contract pursuant to N.J.S.A. 40A:11-5(3) with Pennetta Industrial Automation, LLC, Jersey City, New Jersey, to provide electronic/electro mechanical repairs, maintenance and installation for the Department of Engineering, Public Works and Facilities Management and Runnells Specialized Hospital for a period of 24 consecutive months with an option to extend the contract for an additional 24 consecutive months in the amount of \$166,767.**

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-205 CHAIRMAN SCANLON, authorizing the County Manager to expend funds from the Federal Law Enforcement trust account and to secure services from Innovative Data Solutions,**



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**Orlando, Florida**, to provide an all inclusive software solution for the electronic maintenance and administration of written directives, accountability through testing as well as training and continuing education management to the Union County Police Department for the contract period March 1, 2011 through February 29, 2012 in the amount of **\$18,955**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-206** **CHAIRMAN SCANLON**, authorizing the County Manager to enter into an agreement with **Kidde Fire Fighting, Martinez, California**, for the purpose of providing specialized fire suppression educational programs for 50 firefighters pursuant to N.J.S.A. 40:A11-5:1 in an amount not to exceed **\$150,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-207** **CHAIRMAN SCANLON**, approving a prequalified list of vendors for the provision of transporting voting machines.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-208** **CHAIRMAN SCANLON**, approving a prequalified vendor for the provision of re-warding election districts.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-209** **CHAIRMAN SCANLON**, authorizing the County Manager to enter into an agreement with **Liberty Transport, Union, New Jersey** for the purpose of transporting Dominion Voting Machines to and from polling locations throughout the County for the contract period January 1, 2011 through December 31, 2011 in the amount of **\$40,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-210** **CHAIRMAN SCANLON**, authorizing the County Manager to enter into an agreement with **University Van Lines, Rahway, New Jersey** for the purpose of transporting Dominion Voting Machines to and from polling locations throughout the County for the contract period January 1, 2011 through December 31, 2011 in the amount of **\$40,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2011-211** CHAIRMAN SCANLON, authorizing the County Manager to enter into an agreement with **Princeton Van Service, Ewing, New Jersey** for the purpose of transporting Dominion Voting Machines to and from polling locations throughout the County for the contract period January 1, 2011 through December 31, 2011 in the amount of **\$20,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-212** CHAIRMAN SCANLON, authorizing the County Manager to enter into an agreement with **Royal Printing, West New York, New Jersey**, for the purpose of printing voting authority books, poll books, and all other printing needed to run an election within the County for the contract period January 1, 2011 through December 31, 2011 in the amount of **\$130,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-213** CHAIRMAN SCANLON, authorizing the County Manager to enter into an agreement with **Remington & Vernick Engineers, Secaucus, New Jersey**, for the purpose of re-warding within the County in an amount not to exceed **\$50,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-214** CHAIRMAN SCANLON, amending Resolution No. 2011-67, to increase the appropriation to **Appraisal Associates, Inc., Cranford, New Jersey**, for an additional sum of \$10,000 in an amount not to exceed **\$35,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-215** CHAIRMAN SCANLON, amending Resolution No. 2011-68, to increase the appropriation to **ARD Appraisers, Clark, New Jersey**, for an additional sum of \$10,000 in an amount not to exceed **\$35,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-216** CHAIRMAN SCANLON, amending Resolution No. 2010-975, to increase the appropriation to **Bauch, Zucker, Hatfield, LLC, Springfield, New Jersey**, special counsel in the matter entitled **Edward Henderson v. UC, et als** for an additional sum of \$20,000 in an amount not to exceed **\$55,000**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2011-217** CHAIRMAN SCANLON, amending Resolution No. 2011-24, for the provision of grant writing services to properly reflect pre-qualified providers only.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-218** CHAIRMAN SCANLON, amending the Lease Agreement between the County Of Union and HC Equities, LP, 1143 East Jersey Street, Elizabeth, New Jersey d/b/a the Albender Complex.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-219** CHAIRMAN SCANLON, continuing the service of the Union County Prosecutor, Theodore J. Romankow, pursuant to N.J.S.A. 43:15A-158 (a).

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-220** CHAIRMAN SCANLON, authorizing the County Manager to enter into a contract with **Mission Critical Partners, State College, Pennsylvania**, for dispatch center expansion and shared dispatch consulting services for the period of February 24, 2011 through February 23, 2012 in an amount not to exceed **\$132,880**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-221** CHAIRMAN SCANLON, appointing the following members to the **Transportation Advisory Board** for a term commencing January 1, 2011 through December 31, 2011: **Bill Wright, Mauro Checchio and Michael Murray**.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-222** CHAIRMAN SCANLON, appointing **Eric Mason** to fill an unexpired term on the Union County College Board of Trustees for a term commencing July 1, 2009 through June 30, 2013.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

THE FOLLOWING RESOLUTIONS ARE LAUDATORY IN CONTENT:



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2011-223 FREEHOLDER CARTER**, congratulating **Reverend M. Laverne Ball** on the occasion of her 20<sup>th</sup> Pastoral Anniversary.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-224 FREEHOLDER CARTER**, congratulating **Reverend Canon Leroy A. Lyons** who has energetically and compassionately served as the spiritual leader for the St. Mark's Episcopal Church family for 40 years.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-225 FREEHOLDER ESTRADA**, congratulating **Hattie Bannister** as she celebrates her 106<sup>th</sup> Birthday on March 5.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-226 FREEHOLDER ESTRADA**, congratulating **Roberto Estopinan**, an accomplished and well known Cuban artist, as he celebrates his 90<sup>th</sup> Birthday on March 18.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-227 FREEHOLDER ESTRADA**, proclaiming the month of March as **“Youth Art Month”** in Union County.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-228 FREEHOLDER KOWALSKI**, congratulating **Patrick Ramirez**, Boy Scout Troop 75 on attaining his Eagle Scout Award, the highest honor in scouting.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-229 FREEHOLDER KOWALSKI**, congratulating **Jeffrey Merrick**, Boy Scout Troop 75 on attaining his Eagle Scout Award, the highest honor in scouting.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

**2011-230 FREEHOLDER SULLIVAN**, congratulating **Joe Gramiak** on winning the Union County Bowling Tournament for the third straight year in a row.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-231 VICE CHAIRMAN MIRABELLA**, congratulating **Dr. Ann Walko** for being selected as the recipient of the UNICO District X “Americanism Award.”

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-232 CHAIRMAN SCANLON**, declaring the Week of April 10, 2011 through April 16, 2011 as “**Crime Victims’ Rights Week.**”

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-233 CHAIRMAN SCANLON**, congratulating **Kathryn M. Noonan-Rotando** for being chosen to serve as the Parade Adjutant for the 15<sup>th</sup> Annual Union County St. Patrick Day Parade.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-234 CHAIRMAN SCANLON**, congratulating **Marylou Lenahan** for being chosen to serve as the General Chairperson for the 15<sup>th</sup> Annual Union County St. Patrick Day Parade.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-235 CHAIRMAN SCANLON AND THE ENTIRE BOARD**, offering the Board’s sincerest condolences to the family of **Eileen “Honey” Kobitz**, in their time of sorrow.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**2011-236 CHAIRMAN SCANLON AND FREEHOLDER KOWALSKI**, congratulating the **Cranford High School Mock Trial Team** for winning the County Championship in Union County.

On a motion made by Vice Chairman Mirabella and seconded by Freeholder Hudak, roll call showed nine members of the Board voted in the affirmative.

**PUBLIC COMMENT PORTION**



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

The meeting is now open to the public for the purpose of commenting on any matter.

Bruce Paterson, Garwood, stated that he read an article in today's Ledger about Morris County reducing the tax levy for the third tax year. He said that he also saw an article in the Sunday Ledger about Governor Christie's response to Assemblyman Joseph Cryan.

Mr. Paterson asked who should be the blame for the poor management decision made for 653 employees who will be receiving lifetime health insurance benefits. He said that he appreciates the 0% increase. He stated that it was an illegal vote and added that Director Caroselli did not know the cost to the County for the lifetime benefits prior to the vote.

John Bury, Kenilworth, commented on qualified attorneys. He said that he is not disturbed about certain employees receiving lifetime benefits as he claims that they will probably lose their pensions.

Mr. Bury asked if the firm that is conducting the actuarial study for the cost of the lifetime health benefits has provided the cost to date. He stated that he is opposed to the Union County District Solid Waste Management Plan.

County Manager Devanney stated that there are no differences to the Union's exchange of two zero percent to fund the lifetime health insurance compared to the exclusionary employees. He stated that Director Caroselli will put the funds needed to pay for the benefits aside and they will be made available upon the employees' retirement. He stated that the employees will need to retire from the County by either retiring after fifteen years at age 62 or more, or 25 years vested in the PERS system and at least 55 years of age. He added that all 653 employees may not be eligible and the actuarial study will take that into consideration. He said that he feels this is only fair for those not receiving a salary increase for more than 3.5 years.

Director of Personnel Matthew DiRado stated that the actuarial study will be conducted by O'Sullivan and Associates.

Director Caroselli said that he feels that the County should be applauded for this decision. He said that at one time, the County always gave lifetime health benefits and now the County is receiving something in return.

### **FREEHOLDER REPORTS AND COMMENTS**

Freeholder Carter stated that she does not rely on anyone's influences to make her decisions. She said she did not do it on the City level, nor will she do it on the County level. She stated that she makes the decisions based on back-up information provided and she speaks to constituents if needed.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Freeholder Estrada stated that on March 12th, a team of 30 students from the Union County Vo-Tech Schools will be going to New York City to compete in an event called the “FIRST Robotics Challenge.”

High school robotics has been called a “varsity sport for the brain,” and when you take a look at the competition you’ll see why we are very proud of these young people.

He stated that the Vocational-Technical schools are up against more than 2,000 other teams from around the globe. The challenge is to design and build two robots from scratch, which can perform two different tasks. The rules are strict, the deadline is tight, and the team is on a budget. They are working every day after school and they are still raising funds to buy supplies. She said if there is interest in helping them on their way to New York City, contact the Vocational-Technical Schools at 908-889-8288.

Freeholder Estrada stated that he attended a meeting and it is unbelievable that cuts are still occurring. He said that we need to invest as much in education as possible for our kids.

*(Note: FIRST stands for “For Inspiration and Recognition of Science and Technology.” It is a not-for-profit public charity organization founded in 1989, with the goal of inspiring young people to pursue an interest in science and technology.)*

Freeholder Hudak stated that over the past several years, Union County has hosted a series of seven shared services workshops. By bringing the 21 municipalities together, we brainstorm on ways to share resources, improve public services, and cut costs. Then we take these ideas put them into action. The result has been hundreds of thousands in savings, and Union County is now recognized as a statewide leader in shared services. He said that he would like to take this opportunity to thank all of the municipal representatives who have contributed their leadership to this ongoing effort. He said that we had to postpone our eighth workshop earlier this month due to stormy weather and now the event has been rescheduled for Wednesday, March 2nd, and we are looking forward to another round of great ideas.

Freeholder Hudak said that since we have been criticized on our shared services, he did some research and found Resolutions from 2010 where the County received approximately \$37,500,000 in grants. He said the County had to match \$1.2 million to receive almost \$38,000. He said that matching grants are beneficial to the tax payers and it is a job well done.

Freeholder Sullivan congratulated Kathy Villaggio for being the driving force for the Borough of Garwood.

Freeholder Sullivan thanked those who attended on behalf of the Union County Vocational-Technical Schools. He said that they are an enormous success and thanks to Dr. Bistocchi as he has been a large part of that success. He said that he receives many calls





## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

from parents to see how they could get their children into the Vocational-Technical School system.

Freeholder Sullivan applauded the Union County Utilities Authority and the Board of Freeholders for their action on the Solid Waste Plan. He said the County has been faced with a facility with a \$300 million debt for thirteen years and this plan will allow lowering the tipping fees. He said the reason for doing it now, is because the towns are in need of the additional revenue. He said the presentation made earlier was great and he said that he is pleased that it is happening.

Freeholder Sullivan stated that the Christie Administration has launched another attack on urban and commercial centers by announcing its intention to dismantle the highly successful Urban Enterprise Zone program. His plan is to cut this program, which would lead to even more unemployment and business closures.

The Urban Enterprise Zone (UEZ) Program was enacted in 1983, to revitalize designated urban communities and stimulate their growth by encouraging businesses to develop and create private sector jobs through public and private investment. The program, which offers a reduced sales tax, is offered in four Union County municipalities and they are: Elizabeth, Plainfield, Hillside and Roselle.

Freeholder Sullivan said that statewide, the UEZ program has helped New Jersey's urban areas by creating private-sector jobs and public and private investment opportunities. Specifically, 137,250 full-time jobs have been created and over \$31 billion invested by businesses operating within the state's 32 UEZ zones in 37 municipalities. Since 1985, more than 23,000 businesses have participated in the UEZ program. The UEZ Authority has approved 2,600 economic development and community revitalization projects totaling \$950 million in Zone Assistance Funds reinvested in UEZ areas. He said that one gleaming example of the effectiveness of the UEZ program is the City of Elizabeth. With approximately 1,000 businesses taking advantage and benefitting from the program, the award winning Elizabeth UEZ boasts the highest program participation rate in the State of New Jersey. Mayor Bollwage credits UEZ for being the catalyst for more than \$2 billion in new economic development, including more than \$50 million in sales tax revenue which has been reinvested in funding for additional city infrastructure improvements. Plans for more than \$1 billion in new development are currently under consideration.

Freeholder Sullivan stated that businesses participating in the UEZ Program can charge half the standard sales tax rate on certain purchases. In addition, UEZ businesses may enjoy tax exemptions on certain purchases and manufacturers may qualify for sales tax exemption on their energy and utility consumption when they meet specified employment and other criteria. For each new permanent full-time employee hired, businesses may receive a one-time \$1,500 tax credit. He said that employers may also benefit from subsidized unemployment insurance costs for certain employees who earn less than \$4,500 per quarter.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

The UEZ Program allows a tax credit against the Corporate Business Tax up to eight percent of qualified investments within the zone. Also, businesses may be eligible for priority financial assistance.

Freeholder Sullivan stated that he will have a Resolution at the next Freeholder Meeting opposing Governor Christie's intention to dismantle the highly successful Urban Enterprise Zone program.

Freeholder Kowalski congratulated the students of the Union County Vocational-Technical Schools that were in attendance this evening. She thanked the members of the Union County Utilities Authority and their colleagues for their presentation. She congratulated the institutions and organization involved in Black History Month.

Freeholder Kowalski gave her condolences to the family of Ethel Heim on her passing at the age of 107. She said that Ethel was very involved in our community.

Freeholder Kowalski congratulated Ethel Washington for being named the Linden Historical Society Hall of Fame.

Freeholder Mirabella said that we are very pleased to announce another new upgrade to the Union County website. The site now accommodates RSS, which stands for Really Simple Syndication. RSS is a free service that delivers news to your computer or your mobile device, as soon as we post it on the website. So far, we have five pages with RSS feeds. You'll know them by the small orange "RSS" icon near the top. To subscribe, just click on the icon and follow the instructions.

The five pages are:

- Press releases in English.
- Press releases in Spanish, which you'll find under "Notas de Prensa"
- Our new Video Channel.
- Invitations to Bid.
- RFPS and RFQs.

RSS is part of our ongoing program to keep the website up to date, and we hope that many users will take advantage of this convenient feature.

Freeholder Mirabella said that it is unbelievable that there are individuals against the Convanta/UCUA Plan. He said the plan is logical and a cost savings to the residents of the County. He said that he is proud to be a part of the decision.

Chairman Scanlon said that she concurs with the discussions made by Freeholder Sullivan pertaining to the UEZ Zone. She said people may lose their jobs. She said that she will support Freeholder Sullivan's Resolution.



## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

Chairman Scanlon congratulated the students of the Vocational-Technical Schools, and reminded the public that the St. Patrick's Day Parade will be held on March 12<sup>th</sup> at 1:00 sharp, in Union.

Chairman Scanlon mentioned that there are individuals accusing the democratic committee for doing certain things, but republicans do the same thing, hence, both sides should be exposed.

<b>ADJOURNMENT</b>
--------------------

Chairman Scanlon called for a motion to adjourn the meeting at 9:59pm. On a motion made by Freeholder Sullivan and seconded by Vice Chairman Mirabella, roll call showed nine members of the Board voted in the affirmative.

The voucher list through February 16, 2011 will be available for public perusal in the Office of the Clerk of the Board.



# UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

## UNION COUNTY BOARD OF CHOSEN FREEHOLDERS' 2011 MEETING SCHEDULE

Please note that meetings are regularly held on Thursday evenings. Agenda Setting Sessions and Regular Meetings are held at 7:00pm in the Freeholders' Meeting Room, Administration Building, 10 Elizabethtown Plaza, 6<sup>th</sup> Floor, Elizabeth, New Jersey, unless otherwise specified. In the event an Agenda Setting Session and Regular Meeting are held on the same night, the Agenda Setting Session will commence at 7:00pm and the Regular Meeting will commence as soon as possible after the Agenda Setting Session.

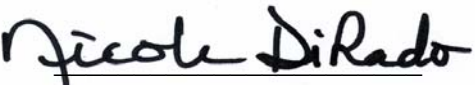
Persons requiring a sign language interpreter should contact the Office of the Clerk of the Board at 908-527-4140.

### AGENDA SETTING MEETINGS

March 10, 2011  
March 24, 2011  
  
April 7, 2011  
April 21, 2011  
  
May 5, 2011  
May 19, 2011  
  
June 9, 2011  
June 23, 2011  
  
July 21, 2011  
  
August 11, 2011  
  
September 8, 2011  
September 22, 2011  
  
October 6, 2011  
October 20, 2011  
  
November 10, 2011  
  
December 1, 2011  
December 15, 2011

### REGULAR MEETINGS

March 17, 2011  
March 31, 2011  
  
April 14, 2011  
April 28, 2011  
  
May 12, 2011  
May 19, 2011  
  
June 9, 2011  
June 23, 2011  
  
July 28, 2011  
  
August 25, 2011  
  
September 15, 2011  
Tues. September 27, 2011  
  
October 13, 2011  
October 20, 2011  
  
November 10, 2011  
  
December 1, 2011  
December 15, 2011

  
Nicole L. DiRado, CMC, MPA  
Clerk of the Board

NLD:mb

**UNION COUNTY VOCATIONAL-TECHNICAL SCHOOLS**

*1776 Raritan Road  
Scotch Plains, NJ 07076*

**UNION COUNTY BOARD OF CHOSEN FREEHOLDERS MEETING**

**WEDNESDAY, FEBRUARY 23, 2011 – 7:30 p.m.**

*County Administration Building – 6<sup>th</sup> Floor  
Elizabeth, NJ 07207*

**NATIONAL CAREER AND TECHNICAL EDUCATION MONTH**  
**FEBRUARY, 2011**

*Students participating at the freeholder meeting, Wednesday, February 23, 2011:*

- 1. Gabriel Rivera**

Gabe is a MHS senior – looking forward to studying quantitative finance in college. Member of both the NHS and the Spanish Honor Society - - active in Drama Club and Yearbook and works in the Cranford Public Library.
- 2. Kyra Morling**

Kyra is a freshman at APA – played Mercutio in Romeo & Juliet in the fall and will play Alma Hick in our spring production of the Music Man.
- 3. Stephanie DaSilva**

UC Tech Senior – Child Development major going to Kean University for Elementary Teaching. NHS and Spanish Honor Society member and involved with Yearbook and Multi-Cultural Club and Relay captain for “Relay for Life”.
- 4. Ada Flores**

UC Tech Senior – NHS and President of the Spanish Honor Society – also Sr. Class VP. Going to Farleigh Dickinson with a \$10,000 scholarship. 300+ hours of community service to her church and soup kitchen.
- 5. Krista Bovell**

Senior at UC Tech HS – Graphics & Multi-media Design major. Honor Roll student, she volunteers as a teacher assistant and currently works in a daycare center. She also participates in clothing and canned food drive and Toys for Tots. Will attend a four year university and major in social work.

***Students participating at the freeholder meeting, Wednesday, February 23, 2011:***

**6. Sonia Herman**

UC Tech Senior – C.A.D.D. major.  
Honor Roll in grades 9 to 12.

Awards include: Plainfield New Horizons Rising Star, Mayor's Volunteer Award, and the Plainfield's Frontier Scholarship. Involved in Student Government, Yearbook and Peer Mediation Clubs. Plans to study communications in college.

**7. Delrecole Gales (Del)**

MHS Junior – wants to study Patent Law in college. Active in Student Government, FBLA and the Student Movement against cancer. He also participates in many community service events through his church and has done mission work in North Carolina.

**8. John Patterson**

John is a junior at APA – part of the first group that will spend their senior year of high school/freshman year of college on the Kean University campus. John has been involved in all of our APA productions and will perform in The Music Man this spring. He is also a member of the NHS.

**9. Rodney Sena**

Rodney is an AAHS senior. He is a high honor roll student who is a member of both the NHS and the Spanish Honor Society. He is currently a volunteer for the Union Emergency Medical Unit where he is a certified EMT-B. He is also a competitive swimmer for Union at the varsity and club levels. His career goal is to become a physician.

**10. Dan Kondracki**

Dan is an AIT senior. He is a member of the National Honor Society and participates in our Relay for Life activities. He volunteers as a freshman orientation leader and this past Monday earned the rank of Eagle Scout. Dan is planning to major in biomedical engineering.

***Students participating at the freeholder meeting, Wednesday, February 23, 2011:***

**11. Anthony Markowitz**

Anthony is an AIT Junior. He is involved in FBLA, the Math League, the Multi-Cultural Club and in Junior Class Government. Among his hobbies are cycling and golf and volunteers as an instructor for elementary and middle school students.

**12. John Kurek**

UC Tech Shared-Time Senior – Building Trades Technology major. John is a shared-time student from Clark. At ~~AIT~~ **ALJ** he is treasurer of the Key Club and has recently earned the rank of Eagle Scout. His project was to build an outdoor classroom in the courtyard of Valley Road Elementary School.

**Students Representing FFA:**

**Mackenzie Tierney**

Mackenzie is Co-President for the FFA afternoon program. Her supervised learning experience is at Rekemeier's Flower Shop in Summit. She was student-of-the-month in September.

**Molly Sternal**

Molly is Vice-President of FFA. She placed 2<sup>nd</sup> in the NJ FFA competition and will receive a Silver Medal at the State FFA competition in May. Last year she won a Bronze Medal for 3<sup>rd</sup> Place. Her supervised learning experience is with Williams Nursery and Parker Greenhouses.

**UNION COUNTY HIGH SCHOOLS**

**HIGH SCHOOL PROFICIENCY ASSESSMENT RESULTS (% OF PROFICIENCY)**

**2009-2010 SCHOOL YEAR**

<u>SCHOOL/RANK</u>	<u>DISTRICT</u>	<u>LANGUAGE ARTS</u>	<u>MATHEMATICS</u>
<i>1. Allied Health HS</i>	<i>UCVTS</i>	<i>100%</i>	<i>100%</i>
<i>2. Magnet HS</i>	<i>UCVTS</i>	<i>100%</i>	<i>100%</i>
<i>3. Acad. for Info. Tech.</i>	<i>UCVTS</i>	<i>100%</i>	<i>100%</i>
<i>4. UC Tech</i>	<i>UCVTS</i>	<i>100%</i>	<i>95%</i>
5. New Providence HS	New Providence	98%	93%
5. Summit HS	Summit	97%	94%
7. Westfield HS	Westfield	96%	91%
8. Gov. Livingston HS	Berkeley Hts.	98%	88%
8. SP/F HS	Scotch Plains/F	95%	91%
10. Cranford HS	Cranford	95%	82%
11. Arthur L. Johnson HS	Clark	95%	80%
12. Jonathan Dayton HS	Springfield	89%	81%
13. David Brearly HS	Kenilworth	92%	77%
14. Roselle Park HS	Roselle Park	87%	81%
15. Union HS	Union	81%	61%
16. Rahway HS	Rahway	75%	57%
17. Linden HS	Linden	77%	55%
18. Hillside HS	Hillside	76%	47%
19. Elizabeth HS* (623 students)	Elizabeth	100%	97%
20. Plainfield HS	Plainfield	57%	34%
21. Roselle HS	Roselle	60%	26%



**NJ COUNTY VOCATIONAL-TECHNICAL SCHOOLS  
TOTAL COMPARATIVE COST PER PUPIL – 2009-2010\*  
DISTRICT BUDGET**

	<u>DISTRICT</u>	<u>COST PER PUPIL</u>	<u>STATE AVERAGE</u>
1.	Bergen	\$23,597	\$16,346
2.	Somerset	\$22,895	\$16,346
3.	Passaic	\$20,159	\$16,346
4.	Sussex	\$18,680	\$16,346
5.	Cape May	\$17,909	\$16,346
6.	Morris	\$17,873	\$16,346
7.	Middlesex	\$17,513	\$16,346
8.	Mercer	\$16,980	\$16,346
9.	Monmouth	\$16,709	\$16,346
10.	Atlantic	\$16,657	\$16,346
11.	Cumberland	\$16,320	\$16,346
12.	Essex	\$15,260	\$16,346
13.	Gloucester	\$15,133	\$16,346
14.	Burlington	\$15,063	\$16,346
15.	Warren	\$14,712	\$16,346
16.	Camden	\$14,636	\$16,346
17.	Hudson	\$13,779	\$16,346
<b>18.</b>	<b>Union</b>	<b>\$12,194</b>	<b>\$16,346</b>
19.	Ocean	\$11,970	\$16,346
20.	Salem	\$11,559	\$16,346
21.	Hunterdon	\$9,664	\$16,346

\*Source: NJ Department of Education School Report Cards – 2009-2010

**UNION COUNTY SCHOOL DISTRICTS**  
**TOTAL COMPARATIVE COST PER PUPIL EXPENDITURE\***  
**2009-2010**  
**DISTRICT BUDGET**

	<u>DISTRICT</u>	<u>COST PER PUPIL</u>	<u>STATE AVERAGE</u>
1.	Winfield	\$18,371	\$13,833
2.	Elizabeth	\$16,242	\$13,833
3.	Plainfield	\$15,553	\$13,833
4.	Summit	\$14,411	\$13,833
5.	Roselle	\$14,100	\$13,833
6.	Springfield	\$13,685	\$13,833
7.	Roselle Park	\$13,453	\$13,833
8.	Berkeley Heights	\$13,425	\$13,833
9.	New Providence	\$13,245	\$13,833
10.	Linden	\$13,174	\$13,833
11.	Kenilworth	\$13,145	\$13,833
12.	Hillside	\$12,950	\$13,833
13.	Cranford	\$12,831	\$13,833
14.	Rahway	\$12,682	\$13,833
15.	Mountainside	\$12,409	\$13,833
16.	Union	\$12,364	\$13,833
<b>17.</b>	<b>UCVTS</b>	<b>\$12,194</b>	<b>\$16,346**</b>
18.	Clark	\$12,158	\$13,833
19.	Westfield	\$12,009	\$13,833
20.	Scotch Plains/Fanwood	\$11,975	\$13,833
21.	Garwood	\$10,868	\$13,833

\*COUNTY AVERAGE           **\$13,393**

\*\*STATE AVERAGE FOR COUNTY-VOCATIONAL TECHNICAL SCHOOLS

**UNION COUNTY HIGH SCHOOLS  
SCHOLASTIC APTITUDE TEST RESULTS  
2009-10 SCHOOL YEAR**

<u>RANK/SCHOOL</u>	<u>DISTRICT</u>	<u>MATH</u>	<u>VERBAL</u>	<u>ESSAY</u>	<u>TOTAL</u>
<b>1. Magnet HS</b>	<b>UCVTS</b>	<b>667</b>	<b>636</b>	<b>639</b>	<b>1942</b>
<b>2. Allied Health HS</b>	<b>UCVTS</b>	<b>628</b>	<b>595</b>	<b>600</b>	<b>1823</b>
3. Westfield HS	Westfield	597	569	580	1746
4. New Providence HS	New Providence	595	564	574	1733
<b>5. Acad. for Info. Tech.</b>	<b>UCVTS</b>	<b>598</b>	<b>566</b>	<b>567</b>	<b>1731</b>
6. Summit HS	Summit	590	558	566	1714
7. Gov. Livingston HS	Berkeley Hts.	573	547	552	1672
8. Scotch Plains/F HS	Scotch Plains/F	560	524	527	1611
9. Cranford HS	Cranford	532	511	513	1556
10. Jonathan Dayton HS	Springfield	543	503	505	1551
11. Arthur L Johnson HS	Clark	519	494	497	1510
<b>12. UC Tech</b>	<b>UCVTS</b>	<b>520</b>	<b>496</b>	<b>485</b>	<b>1501</b>
13. David Brearly HS	Kenilworth	491	465	463	1419
14. Union HS	Union	473	458	452	1383
15. Roselle Park HS	Roselle Park	468	451	462	1381
16. Elizabeth HS	Elizabeth	445	429	432	1306
17. Rahway HS	Rahway	442	425	423	1290
18. Linden HS	Linden	435	416	418	1269
19. Hillside HS	Hillside	433	412	420	1265
20. Roselle HS	Roselle	387	395	398	1180
21. Plainfield HS	Plainfield	381	383	385	1149

# TOP FIFTEEN (15) STATE PUBLIC HIGH SCHOOLS

## SCHOLASTIC APTITUDE TEST RESULTS

### 2009-10 SCHOOL YEAR

<u>RANK/SCHOOL</u>	<u>DISTRICT</u>	<u>TOTAL</u>
1. High Tech HS	Monmouth Cty. Voc-Tech School District	2107
2. Science & Engineering	Morris County Schools of Technology	2075
3. Bergen Cty. Academies	Bergen Cty. Voc-Tech School District	2067
4. Science/Eng. Academy	Middlesex Cty. Voc-Tech School District	2023
5. Biotechnology HS	Monmouth Cty. Voc-Tech School District	1995
6. Allied Health HS	Monmouth Cty. Voc-Tech School District	1949
<b>7. Magnet HS</b>	<b>Union Cty. Voc-Tech School District</b>	<b>1942</b>
8. M.A.T.E.S.	Ocean County Voc-Tech School District	1889
9. Communications HS	Monmouth Cty. Voc-Tech School District	1874
10. Princeton HS	Princeton Public Schools	1860
11. Marine Academy of Science/Technology	Monmouth Cty. Voc-Tech School District	1857
12. West Wind./Plainsboro South	West Windsor/Plainsboro Public Schools	1843
13. Millburn HS	Millburn Public Schools	1838
<b>14. Allied Health HS</b>	<b>Union Cty. Voc-Tech School District</b>	<b>1823</b>
15. West Wind./Plainsboro North	West Windsor/Plainsboro Public Schools	1815

**Economic Review  
of the Amended Agreements between  
Union County Utilities Authority  
and Covanta Union**

February 24, 2011



**Prepared by:**

Gabel Associates, Inc.

417 Denison Street

Highland Park, New Jersey 08904

(p) 732.296.0770

(f) 732.296.0799

[Steven.Gabel@gabelassociates.com](mailto:Steven.Gabel@gabelassociates.com)

## **Review of the Reasonableness of the Proposed Second Amendment to the Amended and Restated Waste Disposal Agreement between the Union County Utilities Authority and Covanta Union**

The Union County Utilities Authority ("UCUA") and Covanta Union, LLC ("Covanta") have amended the agreements that form the basis for the operation of the Union County Resource Recovery Facility, a 1,540 tons-per-day resource recovery facility ("the Facility") located in Rahway, New Jersey.

The existing Amended and Restated Waste Disposal Agreement, effective June 15, 1998 (and last amended July 18, 2003) ("Existing Waste Disposal Agreement") and the existing Facility Lease Agreement, dated June 15, 1998 ("Existing Facility Lease Agreement") (collectively "Existing Agreements") have been amended, pending approval of the Union County Board of Chosen Freeholders, the New Jersey Department of Environmental Protection, and the New Jersey Department of Community Affairs and review by the Division of Rate Counsel, Department of the Public Advocate.

The Second Amendment to the Amended and Restated Waste Disposal Agreement, dated December 31, 2010 ("Amended Waste Disposal Agreement") and the First Amendment to Facility Lease Agreement (to be executed upon the closing of the financing) ("Amended Facility Lease Agreement") (collectively "Amended Agreements") are proposed to form the basis for the operation of the Facility once approved.

Gabel Associates ("Gabel") has been engaged by UCUA, through its special solid waste counsel, to undertake an independent review of the Amended Waste Disposal Agreement and the Amended Facility Lease Agreement. Gabel is an energy and environmental consulting firm that has an extensive background in economic analysis of both the energy and environmental industries. Gabel compared the terms of the Amended Agreements to the terms of the Existing Waste Disposal Agreement and Existing Facility Lease Agreement to compare the relative benefits and risks to UCUA of the two sets of agreements. Gabel's review is directed at determining whether the Amended Agreements are economically beneficial to the County of Union and its municipalities.

After review of the Amended Agreements and related documentation, the following terms of Amended Agreements are key factors in this determination:

1. Debt Service Obligation / Length of Contract Term
2. Waste Disposal Tonnage Guarantee
3. Waste Disposal Fee Calculations
4. Host Fee

5. Other economic benefits (i.e. annual payments from Covanta to UCUA, energy sharing revenues and Class I RECs)

This report quantifies the benefits offered to UCUA by the Amended Agreements and weighs these benefits against certain increased risks to UCUA.

### **1) Debt Service Obligation / Length of Contract Term**

Under the Existing Waste Disposal Agreement, Covanta is obligated to make payment of the debt service on the outstanding bonds over the term of that agreement through 2023. The Amended Waste Disposal Agreement refinances the outstanding bonds, along with an additional \$7 million in new Facility debt, over the 35 year period from 2011 through 2045. In addition, it extends the Waste Disposal Agreement contract term for 22.5 years, from June 14, 2023 through December 31, 2045. Through the Amended Facility Lease Agreement, Covanta remains obligated to make payment of the debt service on the newly issued debt; however, the extended contract term reduces the annual debt service obligation to Covanta. This reduction in the debt service obligation allows Covanta to provide other economic benefits to UCUA and, thus, to the local municipal units delivering processible waste to UCUA, as well as the City of Rahway as the host of the Facility.

The extension of the contract term provides for 1) economic benefits to be offered to UCUA, municipal units within Union County and the City of Rahway over the term of the Amended Agreements and 2) additional risks to be imposed on the UCUA. These benefits and risks are discussed below, the key issue is whether these benefits exceed these risks.

### **2) Economic Benefits of the Amended Agreements**

The Amended Agreements will yield the following economic benefits:

#### **a) Waste Disposal Fee Benefits to Local Units**

Commencing in 2011, the majority of waste generated in Union County will be processed by Covanta at a base rate of \$61.00 per ton (2010 dollars). In 2013, the remaining processible waste generated in Union County will be processed by Covanta at the same base rate of \$61.00 per ton. This compares to the processing cost for the current Local Waste Agreements of \$64.44 per ton (2010 dollars). This will result in immediate additional savings for the Union County local municipal units that have signed the extended Local Waste Agreements.

Based upon the 330,000 tons that UCUA has guaranteed for delivery to the Facility, from 2011 through 2045 there will be immediate savings of \$70.0 million (nominal dollars), or \$28.0 million (NPV).

b) Host Fee Benefits

Under the Existing Agreements, Covanta is obligated to pay the City of Rahway a Host Fee of \$850,000 annually through 2023. Under the Amended Waste Disposal Agreement, Covanta is obligated to pay the City of Rahway a Host Fee of \$1,000,000 annually through 2045 and, in addition, to continue to provide a \$1 per ton discount on the tip fee paid by the City of Rahway through the end of the extended term. The increase in the Host Fee will allow the City of Rahway to realize an addition \$2.0 million over the period 2011 through 2023 and \$22 million related to the extension period from 2024 through 2045. The total benefit to the City of Rahway would be \$24.0 million (nominal dollars), or \$8.4 million NPV, related to the Host Fee. In addition, the discount on the tip fee would result in over \$80,000 (nominal dollars), or \$38,500 NPV, benefit over the period 2011 through 2045.

c) Facility Lease Extension Payment Benefit

Under the Amended Facility Lease Agreement, UCUA will receive a Facility lease extension payment of \$4.0 million annually from Covanta commencing in 2011 and continuing through 2045. This Facility Lease extension benefit (\$140 million in total over the period 2011 through 2045 in nominal dollars), or \$65.5 million NPV, will, in part, be used to reduce the tip fee on the extended Local Waste Agreements applicable to 14 of the 21 municipalities within Union County such that the effective tip fee will be \$12 per ton less than the tip fee under the current Local Waste Agreements.

d) Solid Waste Enforcement Payment

UCUA will receive \$125,000 per year from Covanta to offset the cost of solid waste flow control enforcement. This will result in an economic benefit for UCUA of \$4.4 million (nominal dollars), or \$2.0 million NPV, over the period 2011 through 2045.

e) Additional Energy Revenues to UCUA

Pursuant to the terms of the Amended Agreements, UCUA will be entitled to receive 10% of the revenues derived from the sale of electric energy generated at the Facility starting in 2029. The annual electric generation from the Facility is approximately 300,000 MWH. Using the current wholesale forward price for the PSE&G service territory and escalating it conservatively at 3.4% annually (2.5% inflation and 0.9% long term real escalation in energy costs) results in a wholesale price of electricity in 2029 (the start of the energy revenue sharing period) of approximately \$95 per MWH and a wholesale price of electricity in 2045 of approximately \$160 per MWH. Using these assumptions results in a UCUA share of electric energy sale revenues of \$2.9 million in 2029 and \$4.9 million in 2045. Over the full 17 year period of sharing of electric generation revenues (i.e. 2029 through 2045), UCUA's 10% share is conservatively estimated to be approximately \$64 million (nominal dollars), or \$17 million NPV.



f) Renewable Energy Certificate Revenue

Covanta currently sells Class II Renewable Energy Certificates ("RECs") that are generated by the Facility. Covanta has agreed that should the energy generated by the Facility become eligible to receive Class I RECs in the future, UCUA would own 50% of those Class I RECs. Gabel has not attributed a dollar amount to this potential UCUA benefit since Gabel believes such REC reclassification is not likely; however, if energy from waste-to-energy plants are reclassified as Class 1 renewable resources, this value could be significant, in the range of \$3 to \$20 per MWH (or \$900,000 to \$6M per year) of which half would be allocated to UCUA.

**Summary of Economic Benefits**

In comparing the terms of the Amended Agreements to the terms of the Existing Agreements, economic benefits flow to UCUA, the local municipal units within Union County and the City of Rahway. The economic benefits are summarized below:

Economic Benefits (\$ millions)	Nominal Dollars	Net Present Value Dollars (NPV @ 5%)
Waste Disposal Fee	\$70.0	\$28.0
Host Fee	\$24.0	\$8.4
Annual Payment (Facility Lease)	\$140.0	\$65.5
Annual Payment (Waste Control)	\$4.4	\$2.1
Energy Revenues	\$64.2	\$17.0
<b>TOTAL</b>	<b>\$302.6</b>	<b>\$121.0</b>

In addition to the long term economic benefits of approximately \$303 million in nominal dollars (\$121 million in NPV dollars), Union County and its local municipal units will have assurance that the Union County Resource Recovery Facility will be available to serve their municipal waste needs for the next 35 years (and potentially through 2050 should Covanta exercise its right to extend the agreements for an additional five years) as indicated by the independent engineering review performed by R. W. Beck, Inc. related to the useful operating life of the Facility. These figures do not reflect the additional benefit from Covanta's extended (2023 -2045) obligation to operate and maintain the Facility and to implement the appropriate capital improvements. During this extended period, Covanta will assume the risks associated with the continued reliable operation of the Facility.

In exchange for these benefits UCUA has taken on the risk of an increase in the guaranteed annual level of tonnage of municipal waste to be delivered to the Facility from 250,000 tons under the Existing Waste Disposal Agreement to 430,000 tons under the Amended Waste Disposal Agreement. Should UCUA not deliver the guaranteed level of municipal waste, it would be subject to a shortfall payment to Covanta.

In addition, because UCUA has not at this time closed on its refinancing of the Facility debt, it has taken on refinancing risk, until such time as it closes on the refinancing with an acceptable interest rate and debt service level.

These two risks are discussed below.

### **3) Analysis of the Additional Risk imposed by the increase in the Waste Disposal Tonnage Guarantee**

Under the Existing Waste Disposal Agreement, UCUA is obligated to provide 250,000 tons of municipally generated processible waste annually to the Facility. To satisfy its obligation, UCUA negotiated and executed Local Waste Disposal Agreements with municipalities, by which each municipality agreed to deliver to the Facility a guaranteed tonnage of municipal waste generated within its boundaries and pay to UCUA a service charge for each ton of municipal waste delivered. The service charge revenues were then paid by UCUA to Covanta. Currently, the balance of 330,000 tons is delivered to the Facility pursuant to regulatory flow control, which will remain in effect.

Under the Amended Waste Disposal Agreement, UCUA's obligation to provide processible waste to the Facility has been increased to 430,000 tons annually. To satisfy this greater level of obligation, UCUA has or will make arrangements with three sources:

1. UCUA has extended the Local Waste Agreement with 12 of the 21 municipalities within Union County through 2045, as well as Union County itself. Two of the municipalities that currently have Local Waste Agreements have not yet decided to extend, but remain obligated to deliver processible waste to the Facility through 2023. These extended Local Waste Agreements commit the municipalities to deliver a guaranteed level of municipal waste annually to the Facility. These Local Waste Agreements total approximately 175,000 tons annually.
2. UCUA will receive approximately 155,000 tons annually from the other 7 municipalities in Union County, along with non-contract commercial deliveries, pursuant to regulatory flow control.
3. The remaining 100,000 tons per year will be delivered to the Facility pursuant to an interlocal agreement with a governmental entity outside of Union County.

The increase in the annual guaranteed level of waste that UCUA has agreed to deliver to the Facility on a "put or pay" basis" from 250,000 tons (under the Existing Agreements) to 430,000 tons (under the Amended Agreements) will impose an increased level of risk upon UCUA, although actual waste generated and delivered from Union County municipalities does not change. As indicated in Attachment A, the Facility has consistently processed more than the minimum of 430,000 tons.

Through the Amended Agreements, the UCUA has taken several steps to minimize this risk.

- 1) The extended Local Waste Agreements (approximately 175,000 tons annually) require the local municipalities to deliver a guaranteed annual tonnage of waste. In the event that a municipality does not deliver the guaranteed level of waste, the municipality is still required to pay as if that guaranteed level of waste had been delivered. The local municipalities are willing to make such a commitment in light of the reduced fees offered by UCUA. The Local Waste Agreements include a Base Service Charge of \$61.00 per ton (2010 dollars). UCUA will also use a portion of the Facility Lease Extension Payment from Covanta to decrease the Base Service Charge to a level that will be \$12.00 per ton less than the tip fee under the Existing Local Waste Agreements.
- 2) The remaining Non-Contract Waste (approximately 80,000 tons annually) delivered in accord with regulatory flow control, will be processed in 2011 at the rate of \$72.09 (adjusted through July 2013 in accordance with Covanta's public bid) until the termination of the contract in July 2013. Thereafter, all Non-Contract Waste will be processed at the same tip fee as the Base Service Charge (\$61.00 per ton in 2010 dollars).
- 3) The remaining 100,000 tons per year that will be delivered to the Facility pursuant to an interlocal agreement with a governmental entity outside of Union County will start in July 2011. The competitive tip fee that UCUA can offer should be below other disposal options, thus assuring the delivery of this waste. Further, there are special provisions that further mitigate any shortfall prior to July 2013 to allow a transition period. The UCUA is only obligated to pay 50% of any shortfall during that term. Additionally, UCUA will benefit by 50% of any difference between what it charges under this interlocal agreement and what it pays Covanta.
- 4) Finally, UCUA negotiated a coordinated mitigation approach that would reduce its exposure to shortfall fees by requiring Covanta to mitigate any potential shortfall. If, UCUA were to determine that a shortfall is possible, UCUA would give Covanta notice of the potential shortfall and Covanta will use commercially reasonable efforts to increase the amount of waste that Covanta accepts from sources other than UCUA to mitigate the shortfall. If in mitigating the shortfall, Covanta

arranges for delivery of waste at a tip fee greater than the then effective UCUA tip fee, any excess revenues realized would be applied to further mitigate the impact of any continuing shortfall. Covanta has a strong incentive to mitigate any shortfall so that its energy sales revenues are not reduced (i.e. any reduction in energy sales revenues due to a shortfall are not compensated by UCUA).

These provisions significantly mitigate the risk of potential payments from UCUA to Covanta related to potential shortfalls.

Although the increased level of waste (430,000 tons per year) that UCUA guarantees to deliver to the Facility imposes some risk upon UCUA that it will incur payments to Covanta for shortfalls, the mitigation measures and incentives described above substantially minimize this risk. Moreover, based on sensitivity analysis conducted by Gabel Associates, even in the case of a significant reduction in waste flow and/or tip fee revenues to the facility, the benefits to the County and its municipalities exceed the additional cost imposed by the higher tonnage guarantee. That is, we tested the impact of the guarantee in extreme circumstances and, even in that situation, the County and its citizens realize economic benefits.

A summary of this sensitivity analysis is provided below.

As explained above, the Amended Agreements include provisions that mitigate the possibility of shortfall in the level of municipal waste guaranteed to be delivered to the Facility. Central to this mitigation approach is that the provisions create the proper incentive for Covanta to arrange for the delivery of municipal waste to avoid any shortfall. This incentive for Covanta has two components: (a) Covanta can avoid any reduction in energy revenues by mitigating the level of a waste delivery shortfall, and (b) Covanta can increase its financial results by maximizing the level of the tip fee on the level of the mitigated waste. At the same time the Amended Agreements give flexibility to Covanta to set its tip fees on waste from outside the County at a level to attract waste regardless of the prevailing market rates. Stated differently, Covanta Union has the incentive and flexibility to price its out of county tip fees at a level to "fill" the plant.

Despite this coordinated mitigation approach, we have analyzed three scenarios to evaluate the impact on UCUA and the County of various ranges of shortfall, including a highly unlikely scenario to ascertain how extreme waste flow shortfalls would have to be for the benefits to UCUA to be lost:

1. UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered. The tip fee on that additional waste is equal to, or greater than, the then current tip fee.

2. UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered; however, the tip fee on that additional waste is less than the then current tip fee.
3. UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered; however, the tip fee on that additional waste is less than the then current tip fee such that the full \$2.5 million Facility Lease Extension benefit (exclusive of the portion of that benefit committed to benefit the local municipalities that have signed extended Local Waste Agreements) is extinguished by the shortfall payment from UCUA to Covanta.

The following are the assumptions used in calculating the potential revenue shortfall upon UCUA:

1. Year - 2014 (the first full year the guarantee is in effect)
2. Contract Tip fee - \$68.66 per ton (the Base Service Charge of \$61.00 in 2010, escalated at a CPI of 3% per year to 2014)
3. A draconian worst case scenario of a shortfall of 166,000 tons that is composed of:
  - a. A shortfall of 20% of the guaranteed level of Union County waste of 330,000 tons. (The Local Waste Agreement level of 175,000 tons plus Non-Contract Waste level of 155,000 tons), plus
  - b. 50% of the out-of County waste level of 100,000 tons.

### **Scenario 1**

UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered. The tip fee on that additional waste is equal to, or greater than, the then current tip fee.

Assuming that Covanta arranges for mitigation of the shortfall at \$68.66 per ton (i.e. equal to the 2014 tip fee of \$68.66 per ton), UCUA would not owe a shortfall payment to Covanta. If Covanta arranges for mitigation of the shortfall at greater than \$68.66 per ton (which Covanta is incented to do), UCUA would realize a benefit by sharing in 50% of the incremental tip fees above the then current level.

### **Scenario 2**

UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered; however, the tip fee on that additional waste is less than the then current tip fee.

Assuming Covanta arranges for mitigation of the shortfall at \$61.80 per ton, or a 10% discount, (i.e. less than the 2014 tip fee of \$68.66 per ton), UCUA would owe Covanta \$6.86 per ton (i.e. \$68.66 less \$61.80) for all 166,000 tons, or \$1.1 million. Under this scenario, the shortfall payment is significantly less than the benefits of the Amended Agreements. The portion of the Facility Lease Extension payment from Covanta to UCUA that is not committed to the municipalities that have signed the extended Local Waste Agreements is \$2.5 million annually, an amount more than sufficient to absorb the payment associated with the shortfall without taking into account the other significant benefits discussed above.

### **Scenario 3**

UCUA identifies a potential shortfall that Covanta mitigates by arranging for additional municipal waste to be delivered; however, the tip fee on that additional waste is less than the then current tip fee such that the \$2.5 million portion of the Facility Lease Extension payment from Covanta to UCUA that is not committed to the municipalities that have signed the extended Local Waste Agreements is extinguished by the shortfall payment from UCUA to Covanta.

This scenario stresses the Amended Agreements by taking a worst case combination of events (i.e. a draconian level of shortfall that can only be mitigated through lowering the tip fee to the point that the Facility Lease Extension payment from Covanta to UCUA is equal to the dollar impact of the shortfall payment from UCUA to Covanta). Under this worst case combination of events, the mitigation tip fee would have to be as low as \$47 per ton to negate the \$2.5 million benefit. This is well below tip fees that have been observed in New Jersey for the past twenty years; and provides comfort that waste flow shortfalls will not eliminate the benefits to Union County under the Amended Agreements.

### **4) Interest Rate Risk**

As indicated above, the UCUA has not closed on the refinancing that is a major cost driver in realizing the benefits of the Amended Agreements. UCUA cannot close on refinancing until approval is received from the Department of Community Affairs and the Department of environmental Protection. The Amended Agreements anticipate that the interest on the bonds will be 5%. Should the actual interest rate be higher than 5% it is possible that the economic benefits of the Amended Agreements would be reduced, and the acceptable benefit and risk of the proposal discussed above could be disturbed. Accordingly, this analysis and its conclusions are subject to further review if the benefit flow discussed above is reduced by the changes in terms of the Amended Agreements caused by an increase in the cost of debt service.

## **5) Conclusion**

In exchange for a greater responsibility to arrange for the delivery of municipal waste to the Facility, UCUA has obtained significant price reductions that will inure to the benefit of the generators of this waste, and to the municipalities and citizens of Union County. The Amended Agreements recognize and reasonably mitigate the additional waste volume risk imposed by the increased waste tonnage guarantee.

This analysis and its conclusions are subject to further review if the benefit flow is reduced by changes in the terms of the Amended Agreements caused by an increase in the cost of debt service.

**Union County Utilities Authority**

**ATTACHMENT A**

**Historic Municipal Waste Flow (Type 10 tonnage)**

<b>Year</b>	<b>Local Waste Agreement</b>	<b>Non-Contract Flow Control</b>	<b>Union County Total</b>	<b>Total UCRRF</b>
2005	195,417	209,002	404,419	539,303
2006	195,198	202,217	397,415	543,129
2007	193,842	200,844	394,686	549,940
2008	182,538	176,109	358,647	556,996
2009	176,489	151,939	328,428	548,526
2010	175,516	143,945	319,461	544,705
<b>Average</b>	<b>187,017</b>	<b>182,777</b>	<b>359,727</b>	<b>549,648</b>



Meeting of the Union County Board of Chosen Freeholders, February 24,  
2011

Good Evening Freeholder Chairman, Scanlon and all members of the  
Freeholder Board

My name is Paul Cascais, and I am the Chairman of the Union County Solid  
Waste Advisory Council

I would like to thank you for allowing me a few minutes of your time tonight  
in presenting a statement on behalf of the Union County Solid Waste  
Advisory Council.

The Solid Waste Advisory Council held a special meeting on February 16,  
2011 to review and discuss the proposed plan amendment to the District  
Solid Waste Management Plan as required by state statute.

The plan amendment incorporates extensions to the terms of the facility  
lease agreement and amends the waste disposal agreement with Covanta,  
Union Inc. The amendment incorporates provisions of the local waste  
agreement with the County of Union and certain municipalities as part of the  
solid waste system.

Special Council to the Union County Utilities Authority, Mr. Kevin Conte  
attended the meeting to review and answer any questions regarding the plan  
amendment with the representatives of the communities that were in  
attendance. There were several questions that required follow-up answers  
which were forwarded to me via electronic mail and will be shared with all  
municipalities within the county as well as the minutes to the February 16,  
SWAC meeting. There was effective and open dialogue by all that attended.  
Following the presentation and discussion there was a consensus of the  
committee attendees that no action was required by the committee to the  
proposed plan amendment.

Union Township.  
City of Elizabeth  
Westfield Township  
Borough of Fanwood