



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: 746-2013
 DATE OF INTRODUCTION: 2/21/2013
 DATE OF ADOPTION: 3/14/2013

2/21/2013

AN ORDINANCE TO AMEND TO THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN TO INCLUDE A CLASS B RECYCLING FACILITY OWNED AND OPERATED BY THE CITY OF LINDEN AT THE SITE OF THE LINDEN SANITARY LANDFILL

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

NO SUFFICIENCY OF FUNDS REQUIRED Continued...
Frank W. Sullivan
 2-21-2013

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP
BERGEN	X							BERGEN	X						
ESTRADA	X							ESTRADA	X						
JALLOH	X							JALLOH	X						
KOWALSKI	X							KOWALSKI	X						
MIRABELLA	X					X		MIRABELLA	X					X	
SULLIVAN			X					SULLIVAN			X				
WRIGHT	X							WRIGHT	X						
HUDAK VICE CHAIRMAN	X				X			HUDAK VICE CHAIRMAN	X				X		
CARTER CHAIRMAN	X							CARTER CHAIRMAN	X						

APPROVED AS TO FORM

 COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.

 CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
 _____ CLERK

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:

1) TO INCLUDE CITY OF LINDEN RECYCLING FACILITY, LOCATED AT THE LINDEN SANITARY LANDFILL, BLOCK 581, LOTS 11.03 AND 17, 1451 LOWER ROAD, IN THE CITY OF LINDEN, INTO THE UNION COUNTY SOLID WASTE MANAGEMENT PLAN AS A CLASS B RECYCLING CENTER TO ACCEPT UP TO 50 TONS PER DAY OF TREE TRUNKS, STUMPS, BRANCHES, LEAVES AND BRUSH AT ITS LOCATION FOR SHIPPING OFF-SITE TO THE UNION COUNTY RESOURCE RECOVERY FACILITY IN RAHWAY, NEW JERSEY FOR DISPOSAL.

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. 61-2012, duly adopted July 18, 2012, 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.
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.

UNION COUNTY BOARD
OF CHOSEN FREEHOLDERS

2013 MAR 28 P 2:00

IN THE MATTER OF: *

746-2013 - AN ORDINANCE TO *

AMEND TO THE UNION COUNTY *

DISTRICT SOLID WASTE *

MANAGEMENT PLAN TO INCLUDE A *

CLASS B RECYCLING FACILITY *

OWNED AND OPERATED BY THE CITY*

OF LINDEN AT THE SITE OF THE *

LINDEN SANITARY LANDFILL *

- - - - - *

COPY

SCHULMAN, WIEGMANN & ASSOCIATES
CERTIFIED COURT REPORTERS
216 STELTON ROAD
SUITE C-1
PISCATAWAY, NEW JERSEY 08854
732-752-7800

1 T R A N S C R I P T of the stenographic
2 notes of the proceedings in the above-entitled
3 matter as taken by and before LATITISA RUSSELL, a
4 Certified Court Reporter of the State of New
5 Jersey, held at the Union County Council
6 Administration Building, 10 Elizabethtown Plaza,
7 Sixth Floor, Elizabeth, New Jersey, March 14, 2013,
8 commencing at, approximately, 7:00 p.m.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 A P P E A R A N C E S :

2

3

4

5 B O A R D M E M B E R S :

6 Linda Carter, Chairwoman

7 Christopher Hudak, Vice Chairman

8 Robert E. Barry, County Counsel

9 Alfred J. Faella, County Manager

10 James Pellettiere, Clerk of the Board

11 Betty Jane Kowalski, Freeholder

12 Vernell Wright, Freeholder

13 Alexander Mirabella, Freeholder

14 Angel G. Estrada, Freeholder

15 Mohamed S. Jalloh, Freeholder

16 Bruce H. Bergen, Freeholder

17 Daniel P. Sullivan, Freeholder

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -
I N D E X
- - -

WITNESS DIRECT CROSS
NONE

- - -
E X H I B I T S
- - -

NO. DESCRIPTION PAGE
NONE

1 CHAIRWOMAN: I'd like to call this
2 meeting to order. Clerk, may I have the roll call,
3 please?

4 BOARD CLERK: Freeholder Bergen?

5 MR. BERGEN: Here.

6 BOARD CLERK: Freeholder Estrada?

7 MR. ESTRADA: Present.

8 BOARD CLERK: Freeholder Jalloh?

9 MR. JALLOH: Here.

10 BOARD CLERK: Freeholder Kowalski?

11 MS. KOWALSKI: Here.

12 BOARD CLERK: Freeholder Mirabella?

13 MR. MIRABELLA: Present.

14 BOARD CLERK: Freeholder Sullivan?

15 MR. SULLIVAN: Here.

16 BOARD CLERK: Freeholder Wright?

17 MS. WRIGHT: Here.

18 BOARD CLERK: Vice Chairman Hudak?

19 MR. HUDAK: Here.

20 BOARD CLERK: Chairman Carter?

21 CHAIRWOMAN: Here.

22 BOARD CLERK: Chairman, you have nine
23 Freeholders present.

24 CHAIRWOMAN: Thank you. We have
25 ordinance for final reading. Clerk, please read

1 ordinance 746 by title.

2 BOARD CLERK: Ordinance 746-2013: An
3 ordinance to amend the Union County District Solid
4 Waste Management Plan to include a Class B
5 recycling facility owned and operated by the City
6 of Linden at the site of the Linden Sanitary
7 Landfill.

8 CHAIRWOMAN: Thank you. This meeting
9 is open to the public for the purpose of commenting
10 on Ordinance 746-2013 only. Please state your name
11 and town of residence for the record and adhere to
12 the five-minute time limit.

13 MR. GETZENDANNER: Good evening, Madam
14 Chairman. My name is Tom Getzendanner. I'm from
15 Summit standing in for Councilman Al Dill tonight,
16 who couldn't make it. So this ordinance is just
17 really a statutory change that folds the existing
18 Linden landfill into the Union County Manual Solid
19 Waste Management Plan for state bookkeeping
20 purposes; is that correct?

21 CHAIRWOMAN: Yes.

22 MR. BARRY: No, that's not correct. If
23 I may through you, Madam Chair? This is to
24 authorize -- the location is the formal Linden
25 landfill. But this is, basically, to authorize a

1 Class B recycling center that's going to be owned
2 and operated by the City of Linden and that
3 recycling center will handle, approximately, 50
4 tons per day of tree trunks, stumps, branches,
5 et cetera, obviously, by in large generated by the
6 municipality and the residue would be delivered to
7 the resource recovery facility. That's what makes
8 it a Class B. Class B is the vegetative waste,
9 tree trunks, tree limbs, branches, that type of
10 thing.

11 MR. GETZENDANNER: Thank you.

12 AUDIENCE MEMBER: Good evening,
13 Chairwoman Carter, ladies and gentlemen of the
14 Freeholder Board. Just another question. Is this
15 going to be mandating that the towns bring the tree
16 waste, I guess you want to call it, to this
17 facility and what about the private landscapers and
18 stuff? Are they going to be mandated? And I guess
19 the next question is, what is the dollar per ton
20 that's going to be charged for whatever different
21 types of Class B waste there are? One last
22 question, how is the money flow going to be from
23 the municipalities or the private hauler to Linden?
24 How is that? That's it. Thank you.

25 CHAIRWOMAN: Thank you. Freeholder

1 Sullivan?

2 MR. SULLIVAN: This is only for the
3 City of Linden. This isn't a facility that's going
4 to be open to other municipalities. This is not to
5 direct other municipalities types of waste there.
6 This is only for Linden. They can probably open it
7 up to private contractors to bring that type of
8 waste there. I don't know what their -- the
9 ordinance doesn't address what they are charging or
10 if they are charging anything at all. So it's only
11 open to Linden residents and Linden controls it.
12 This is only giving approval in the plan to allow
13 them to do that type of operation and that's it.
14 But this isn't about money or charging or forcing
15 other municipalities to bring their waste there at
16 all.

17 CHAIRWOMAN: Thank you. Anyone else?
18 Seeing no one else, I will formally close the
19 public hearing on ordinance 746-2013. Freeholder
20 Hudak, would you please move 746 for final reading?

21 MR. HUDAK: Thank you, Chairman. I
22 move ordinance number 746-2013 for final reading
23 and authorizing the Clerk of the Board to advertise
24 same in accordance with the law.

25 CHAIRWOMAN: May I have a second?

1 MR. MIRABELLA: Second.

2 CHAIRWOMAN: It's been moved by

3 Freeholder Hudak and second by Freeholder

4 Mirabella. May I have a roll call, please?

5 BOARD CLERK: Freeholder Bergen?

6 MR. BERGEN: Yes.

7 BOARD CLERK: Freeholder Estrada?

8 MR. ESTRADA: Yes.

9 BOARD CLERK: Freeholder Jalloh?

10 MR. JALLOH: Aye.

11 BOARD CLERK: Freeholder Kowalski?

12 MS. KOWALSKI: Yes.

13 BOARD CLERK: Freeholder Mirabella?

14 MR. MIRABELLA: Aye.

15 BOARD CLERK: Freeholder Sullivan?

16 MR. SULLIVAN: Abstain.

17 BOARD CLERK: Freeholder Wright?

18 MS. WRIGHT: Yes.

19 BOARD CLERK: Vice Chairman Hudak?

20 MR. HUDAK: Aye.

21 BOARD CLERK: Chairman Carter?

22 CHAIRWOMAN: Yes.


23 BOARD CLERK: Chairman, you have eight
24 votes in the affirmative and one abstention.

25 - - -

1 C E R T I F I C A T E

2
3 I, LATITISA RUSSELL, a Certified
4 Court Reporter and Notary Public of the State of
5 New Jersey, certify that the foregoing is a true
6 and accurate transcript of the stenographic
7 notes of the deposition of said witness who was
8 first duly sworn by me, on the date and place
9 hereinbefore set forth.

10 I FURTHER CERTIFY that I am neither
11 attorney, nor counsel for, nor related to or
12 employed by, any of the parties to the action in
13 which this deposition was taken, and further
14 that I am not a relative or employee of any
15 attorney or counsel in this case, nor am I
16 financially interested in this case.

17
18
19
20
21 
22 LATITISA RUSSELL, C.C.R.
23 LICENSE NO. 30XI00234100
24
25