

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

THURSDAY, SEPTEMBER 15, 2011
REGULAR MEETING MINUTES

CALL TO ORDER

Chairman Deborah P. Scanlon called the meeting to order at 7:00 PM.

Attendee Name	Title	Status	Arrived
Linda Carter	Freeholder	Present	
Angel G. Estrada	Freeholder	Present	
Christopher Hudak	Freeholder	Present	
Mohamed S. Jalloh	Freeholder	Present	
Bette Jane Kowalski	Freeholder	Present	
Daniel P. Sullivan	Freeholder	Present	
Nancy Ward	Freeholder	Late	
Alexander Mirabella	Vice Chairman	Late	
Deborah P. Scanlon	Chairman	Present	

Also present were County Manager Alfred J. Faella, County Counsel Robert E. Barry, Esq. and Deputy Clerk of the Board Annie Croom.

PRAYER AND SALUTE TO THE FLAG

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

MOMENT OF SILENCE

Chairman Scanlon called for a Moment of Silence to remember the victims of September 11th.

REMARKS BY FREEHOLDER JALLOH REGARDING THE 10TH ANNIVERSARY OF 9/11

Freeholder Jalloh made remarks regarding the 10th Anniversary of September 11th.

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The statement of compliance with the Open Public Meetings Act was read by the Deputy Clerk of the Board.

PRESENTATION FROM THE BOARD

1. A check presentation was made to the Pulaski Day Parade Committee

Freeholder Hudak presented a Resolution and a check to the Pulaski Day Parade Committee. He introduced Miss Palonia 2011, Justyna Kepa and members of the Parade Committee; Chair Steven Leonard, Slavik Umansky, President and Councilman and Vice President Bob Sadowski.

Mr. Umansky thanked the Board for their continued support and stated that he is proud of their Organization.

APPROVAL OF COMMUNICATIONS

Chairman Scanlon called for a motion to approve the Communications.

1. Oath of Office: Senior Citizen and Disabled Resident Transportation Advisory Board: Edward Heaton
2. Oath of Office: Union County Transportation Advisory Board: Diana Rodriguez
3. Oath of Office: Workforce Investment Board: Pat Dobson, Erich Peter and Charles Gillon

MINUTES APPROVAL

1. July 21, 2011 - Agenda Meeting

RESULT: ADOPTED [5 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Sullivan, Chairman Scanlon; **ABSTAIN:** Freeholder Jalloh, Freeholder Kowalski, Freeholder Ward; **ABSENT:** Vice Chairman Mirabella;

2. July 21, 2011 - Executive Session Minutes

RESULT: ADOPTED [4 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Chairman Scanlon; **ABSTAIN:** Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward; **ABSENT:** Vice Chairman Mirabella;

3. July 28, 2011 - Regular Meeting

RESULT: ADOPTED [6 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Kowalski, Freeholder Sullivan, Chairman Scanlon; **ABSTAIN:** Freeholder Jalloh, Freeholder Ward; **ABSENT:** Vice Chairman Mirabella;

4. July 28, 2011 - Executive Session Minutes

RESULT: ADOPTED [6 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Kowalski, Freeholder Sullivan, Chairman Scanlon; **ABSTAIN:** Freeholder Jalloh, Freeholder Ward; **ABSENT:** Vice Chairman Mirabella;

5. August 11, 2011 - Agenda Meeting

RESULT: ADOPTED [7 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Chairman Scanlon; **ABSTAIN:** Freeholder Carter; **ABSENT:** Vice Chairman Mirabella;

6. August 11, 2011 - Executive Session Minutes

RESULT: ADOPTED [7 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Chairman Scanlon; **ABSTAIN:** Freeholder Carter; **ABSENT:** Vice Chairman Mirabella;

7. August 25, 2011 - Executive Session Minutes

RESULT: ADOPTED [7 TO 0]; MOVER: Daniel P. Sullivan, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Chairman Scanlon; **ABSTAIN:** Freeholder Ward; **ABSENT:** Vice Chairman Mirabella;

PRESENTATION TO THE BOARD

A presentation was made to the Board regarding Hurricane Irene.

Director Guzzo gave a brief overview of how the County responded to Hurricane Irene. A draft was submitted to the Board and stated that they are only preliminary numbers. He thanked Cherron Rountree for obtaining the information so quickly.

Cherron Rountree stated it was the first storm since Hurricane Floyd where a State of Emergency was called. The municipalities and

Planning prior to the storm and response during the storm. This is not a complete list and recovery efforts to date.

Director Moran stated it is not an all inclusive list, but it is a general idea of how Public Safety and other departments have taken. Union County prepared more than a week in advance with the help of the OEM Department. On Thurs OEM held a briefing to go over the affects. He explained day to day events approaching the storm, during and after the storm. Notifications were made to residents through First Alert and the website.

Cherron notifications on County Website, First Alert and Facebook page.

Director Scaturro commented on what preparation took place during the storm, including water rescues, vehicle rescues and coordinated a response through NJ State Police with their marine equipment. Ambulances were put on duty. Public Works helped with barricades, many power outages. Health Management was the lead agency with municipalities, manpower to municipalities. Staff and volunteers over the weekend. received countless calls from the public. Activated code blue system with help off Director Guzzo and staff for the homeless.

Director Guzzo stated that recovery is on going. There is a disaster food stamp program in place. Insurance brokers answered general questions to our residents. Still looking at lobbying for dollars for assistance.

Chairman Scanlon thanked them for the presentation.

Freeholder Jalloh asked about the relationship with the municipalities

Cherron stated that FEMA requires that agreements are put in place for the munic, so far, 19 reached out to us and the 20th stated that they don't need it.

Vice Chairman Mirabella stated that they lended much assistance to Cranford. He thanked the directors for their help.

Chairman Scanlon thanked everyone who assisted in preparation and recovery of Hurricane Irene

and for providing the report.

ORDINANCE FOR FINAL READING

The title of the Ordinance was read by the Deputy Clerk of the Board.

725-2011

AN ORDINANCE AMENDING THE UNION COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN 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.

AN ORDINANCE AMENDING THE
UNION COUNTY DISTRICT
SOLID WASTE MANAGEMENT PLAN

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 Authority previously recommended and the County adopted an amendment to the County Plan that was subsequently withdrawn by the County pursuant to correspondence, dated August 16, 2011, as a result of extensive discussions with NJDEP that required revisions to the amendments of the Facility Lease and Waste Disposal Agreement in order to obtain approval of the amendments from NJDEP and LGS pursuant to the McEnroe Act; and

WHEREAS, by Resolution No. 57-2011, duly adopted August 17, 2011, the UCUA has re-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 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 substantial benefits 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, pursuant to and in accordance with the provisions of the Solid Waste Management Act, the Plan Amendment was presented to SWAC; and

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.

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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.

Chairman Scanlon asked County Counsel Barry, Esq. to make a statement for the Board.

Mr. Barry stated that there are no substantive amendments to the Plan Amendment that has been proposed. In the Plan Amendment, Page 5, II, in the first paragraph, the original plan amendment referenced an extension for an additional 22.5 years. Currently, that has been reduced to 8.5 years and the revised Plan Amendment that has been issued, reflects the 8.5 year period, which is accurate. There is also a clarification, which is at the end of the third paragraph at the top of page 6, II. It's an additional sentence that references the fiduciary revenue arrangement that will occur in the last 5 years.

The meeting is open to the public for the purpose of commenting on Ordinance Number 725-2011.

Bruce Paterson, Garwood, asked for a clarification of the 3rd paragraph mentioned in the Ordinance. He commented on refinancing bonds, revenue sharing, balloon payments and debt. He said he had questions at the McEnroe Hearing and he did not get answers. He urged the Board not to take action on the Ordinance tonight.

Mr. Bury stated that at the previous Freeholder Meeting, he questioned Freeholder Sullivan's credentials. He retracted his statement. He apologized for a statement he made about Covanta's financial status.

Jonathan Williams, Special Counsel to the Union County Utilities Authority, introduced the underwriter of the transaction, Dennis Enright.

Mr. Enright addressed specific numbers that are involved in terms of producing sufficient revenue to retire the balloon payments in the last 5 years of the refinancing debt.

John Bury, Kenilworth, stated that he was at the McEnroe Hearing and had some concerns about bonding and debt. He stated that the tax papers were not at the meeting.

Mr. Williams stated that at the McEnroe Hearing, it was announced that the public has fifteen days to ask questions.

Tina Renna Cranford, commended Mr. Paterson and Mr. Bury for their time and research.

Jim Buettner, Cranford, commended Mr. Paterson and Mr. Bury for all their efforts pertaining to the studies of this Ordinance. He read a quote from the Union County Directories by County Manager Faella.

Jocelyn Long, Elizabeth, stated that 37% of the revenue share is guaranteed to the County, so it is the County's responsibility, but if Covanta fails, she asked what the County will do to recoup the funds that are due to them.

Mr. Williams stated that the County would retain ownership of the \$300 million resource recovery facility, with all of the profits and all of the revenue sharing that will come from it.

A Stenographer was present. The transcript is attached.

Chairman Scanlon moved Ordinance Number 725-2011 for Final Reading and authorized the Clerk of the Board to advertise the same in accordance with the law.

Motion to adopt Ordinance 2011-725

RESULT: ADOPTED [8 TO 0]; MOVER: Deborah P. Scanlon, Chairman; **SECONDER:** Alexander Mirabella, Vice Chairman; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon; **ABSTAIN:** Freeholder Sullivan;

PUBLIC COMMENT PORTION

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

Tina Renna, Cranford, asked for detailed information pertaining to Resolution 2011-808. She asked why former County Manager Devanney is still involved with MusicFest and why he recused himself according to a Memo addressed to Deputy County Manager Genievich regarding the Union County Arts Center.

Ms. Renna submitted a copy of the Memo to Deputy County Clerk Annie Croom.

County Counsel Barry, Esq. stated that \$345,000 was allocated to the Union County Performing Arts Center, which is part of the County Action Plan, and according with disclosure we identify funds, which reflects \$100,000 awarded to the Union County Performing Arts Center from a donation from the Barclay Golf Association which concluded in June. He said that the balance of funds of \$125,000 from MusicFest 2010 was retained and added an additional \$345,000 for MusicFest 2011.....

Bruce Paterson, Garwood, 2011-772, asked how many people are employed by grant dollars, on Resolution 2011-796, he asked if we will be receiving a grant. On Resolution 2011-799, he thought

RESOLUTIONS

2011-777 FREEHOLDER LINDA CARTER: Appointing the following members to the Local Advisory Committee on Alcoholism and Drug Abuse (LACADA): Enide Joseph (Youth Interest rep.), Sonja Ash (Mental Health), Rev. Rafael Menendez (Alcohol/Drug Abuse Sector), Katherine Woodley (Voluntary Community Member) for terms commencing January 1, 2011 through December 31,

2013; Tiffany N. Wilson (Criminal Justice) for a term commencing January 1, 2010 through December 31, 2012; and Karen Yuschak (Non-Profit Agency) and Charles Watts (Voluntary Community Member) to fill unexpired terms from January 1, 2009 through December 31, 2011.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-778 FREEHOLDER MOHAMED S. JALLOH:** Appointing Alfred J. Faella (County Manager) to the Emergency Management Council to fill an unexpired term from January 1, 2011 through December 31, 2011.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-779 FREEHOLDER MOHAMED S. JALLOH:** Authorizing the County Manager to enter into an affiliation agreement with New York University, New York, New York to provide clinical training for students in the Occupational Therapy program from September 1, 2011 to August 31, 2013.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-780 FREEHOLDER MOHAMED S. JALLOH:** Authorizing the County Manager to enter into a clinical Affiliation Agreement between Runnells Specialized Hospital and the Union County Immunization Program and Trinitas School of Nursing, Elizabeth, New Jersey to cooperate in providing clinical facilities in nursing for students enrolled in the School of Nursing centering around the care of infants and children in an outpatient setting who are receiving preventative healthcare and education.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-781 FREEHOLDER MOHAMED S. JALLOH:** Authorizing the County Manager to enter into an agreement with Shanthi Chezian, MD, South Plainfield, New Jersey to provide professional psychiatric services to the patients/residents of Runnells Specialized Hospital for the contract period of September 19th, 2011 to September 30, 2012 for a total contract amount not to exceed \$151,875.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-782 FREEHOLDER MOHAMED S. JALLOH:** Amending Resolution Number 2011-0651, list of practitioners who are pre-qualified to provide professional medical services/coverage to the

patients/residents of Runnells Specialized Hospital, to provide for Professional Medical Services for the patients/residents of Runnells Specialized Hospital.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Mohamed S. Jalloh; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-783 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2009-681 and authorizing the valid WIA Individual Training contracts from PY 2009 to be re-set to a new account using PY 2010 WIA grant dollars in the amount not to exceed \$50,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-784 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2009-682 and authorizing the valid WFNJ Individual Training PY 2009 contracts to be re-set to a new account using WFNJ PY 2010 dollars in the amount not to exceed \$20,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-785 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2010-781 and authorizing the payment of Individual Training contracts from an alternate grant source. These contracts were initiated with American Recovery and Reinvestment Act (ARRA) Dislocated Worker Grant supplemental dollars from New Jersey State Department of Labor and Workforce Development. The ARRA Grant closed June 30, 2011; some of the contracts are still valid because clients are still continuing to receive services. The contract obligations may be re-encumbered using Federal Workforce Investment Act (WIA) Dislocated Worker Grant dollars, in the amount not to exceed \$55,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-786 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2009-823, to reflect the correct grant period of July 23, 2009 through July 22, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-787 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2011-244, to include a grant term for nineteen (19) awards.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-788 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2008-809, to include a grant term for three (3) awards only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-789 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2009-370, to include a grant term for two (2) awards only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-790 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2010-187, to include a grant term for seventeen (17) awards.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-791 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2010-498, to include a grant term and account number for one (1) award only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-792 FREEHOLDER BETTE JANE KOWALSKI:** Authorizing the County Manager to award a contract to Mutual of America, Parsippany, New Jersey to implement an employee 401 (a) plan to provide benefits to county employees not covered under the Public Employee Retirement System (PERS for the contract period July 1, 2011 through June 30, 2012 in an amount not to exceed \$178,728.48.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-793 FREEHOLDER BETTE JANE KOWALSKI:** Authorizing the County Manager to award a contract to Mutual of America, Parsippany, New Jersey to provide Group Life Insurance with Group Accidental Death and Dismemberment Plan for employees not covered under the Public Employee Retirement System (PERS) for contract period July 1, 2011 through June 30, 2012 in an amount not to exceed \$41,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-794 FREEHOLDER BETTE JANE KOWALSKI:** Amending Resolution Number 2005-420, to include a grant term and account number for two (2) awards only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-795 FREEHOLDER BETTE JANE KOWALSKI:** Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq: Department of Human Services: Samuels Inc dba Buy Wise Auto Parts, : for the purpose of providing parts for repairs to County of Union Paratransit fleet of Ford and General Motors vans and conventional cab and chassis (DRW) with custom bus bodies installed, up to and including 14,500 GVWR, both diesel and gasoline, (Model years span from 1998 – 2011) for a period of 24 consecutive months with an option to renew for an additional 24 consecutive months in an amount not to exceed \$47,175.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-796 FREEHOLDER BETTE JANE KOWALSKI:** Authorizing the County Manager to endorse and approve the 2012-2014 Comprehensive County Youth Services Plan and Application in the amount of \$756,243, as required by the State of New Jersey Juvenile Justice Commission, for the funding period of January 1, 2012 through December 31, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-797 FREEHOLDER BETTE JANE KOWALSKI:** Authorizing the County Manager to enter into an agreement with the Union County Educational Services Commission, Westfield, New Jersey to provide state mandated education programs for the residents housed in the Juvenile Detention Center for the contract period September 1, 2011 through August 31, 2012 in an amount not to exceed \$538,435.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-798 FREEHOLDER DANIEL P. SULLIVAN:** Appointing Alfred J. Faella to the Open Space, Recreation and Historic Preservation Trust Fund.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-799 FREEHOLDER DANIEL P. SULLIVAN:** Amending Resolution Number 2005-980, a contract (through the public bidding process) with Flanagan's Contracting Group, Hillsborough, New Jersey for the Meisel Avenue Park Reconstruction, approving Change Order No. 1 (final) in an amount of \$251,000 for a new total contract amount not to exceed \$2,871,425.50.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-800 FREEHOLDER DANIEL P. SULLIVAN:** Endorsing a pre-application to the New Jersey Green Acres Program for a minor disposal of parkland in Rahway River Parkway in the Township of Union so that the New Jersey Department of Transportation may construct an auxiliary lane on Route 22 Eastbound between u-Turns H & G in Union in order to improve traffic safety.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-801 FREEHOLDER NANCY WARD:** Appointing Sandra M. Shelton to the Senior Citizen Disabled Resident Transportation Assistance Program (SCDRTAP) to fill an unexpired term from January 1, 2010 through December 31, 2012.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-802 VICE CHAIRMAN ALEXANDER MIRABELLA:** Modifying the 2011 Union County adopted budget in the amount of \$7,557.00 as a result of notification received from the State of New Jersey, Department Of Law and Public Safety for a program entitled: Law Enforcement Officers Training and Equipment Fund Grant.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-803 VICE CHAIRMAN ALEXANDER MIRABELLA:** Modifying the 2011 Union County adopted budget in the amount of \$22,538.00 as a result of notification received from the Union County Department of Human Services for a program entitled: Paratransit Transportation Title XIX Grant.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder;
SECONDER: Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada,

Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-804 VICE CHAIRMAN ALEXANDER MIRABELLA:** Modifying the 2011 Union County adopted budget in the amount of \$1,013,800.00 as a result of notification received from the State of New Jersey, Department Of Transportation for a program entitled: 2011 Signs and Markings Grant.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-805 VICE CHAIRMAN ALEXANDER MIRABELLA:** Modifying the 2011 Union County adopted budget in the amount of \$4,243.00 as a result of notification received from the State of New Jersey, Department Of State Council on the Arts for a program entitled: Senior Citizen Art Contest Grant.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-806 VICE CHAIRMAN ALEXANDER MIRABELLA:** Modifying the 2011 Union County adopted budget in the amount of \$89,484 as a result of notification received from an Interlocal Services Agreement between the County of Union and the City of Rahway for Traffic Control Monitoring System.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-807 VICE CHAIRMAN ALEXANDER MIRABELLA:** Authorizing the County Manager to make available the amount of \$4,000 to the Pulaski Day Parade Committee.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-808 VICE CHAIRMAN ALEXANDER MIRABELLA:** Amending Resolution 2010-1149 to increase funding for the Contract between the County of Union and Union County Performing Arts Center in an amount not to exceed \$345,000 for activities associated with the 2011 MusicFest

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-809 CHAIRMAN DEBORAH P. SCANLON:** Authorizing the County Manager to enter into a contract with Alltech Business Solutions, Kenilworth, NJ to provide coin operated copy machines for public use at 0.05 cents cost per copy for a contract period of 24 consecutive months (BA#87-11 Coin Operated Copy Machines). This is not a revenue producing contract. The purpose of this contract is to secure the lowest price per copy for public users.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-810 CHAIRMAN DEBORAH P. SCANLON:** To apply for and accept funding from the Police Training Commission for the 2011 Law Enforcement Officers Training and Equipment Grant, Part 3 for the period March 2011 through June 2011 in the amount of \$7,557.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-811 CHAIRMAN DEBORAH P. SCANLON:** Returning three (3) vehicles to the Division of Criminal Justice, Office of the Insurance Fraud Prosecutor as per the terms of the Auto Theft Task Force Insurance Fraud Grant and have these vehicles removed from the county fleet.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-812 CHAIRMAN DEBORAH P. SCANLON:** Amending Resolution Number 2011-192 to reflect a change in account number only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-813 CHAIRMAN DEBORAH P. SCANLON:** Amending Resolution Number 2011-149, a contract with Trinitas Hospital for the clinician at the Child Advocacy Center to include the period April 1, 2011 through June 30, 2011 in the amount of \$10,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-814 CHAIRMAN DEBORAH P. SCANLON:** Authorizing the County Manager to enter into a Professional Service Contract with Scientific Equipment Product Service (S.E.P.S), Westbury, New York to provide full service contracts and annual certifications for bio-safety cabinets and semi-annual certifications for fume hoods located at the Union County Prosecutor's Forensic Laboratory at a cost not to exceed \$22,350.00 for a period of two years from August 1, 2011 through July 31, 2013.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-815 CHAIRMAN DEBORAH P. SCANLON: The Union County Prosecutor's Office desires to trade in obsolete firearms to Lawman Supply Company of New Jersey Inc., Egg Harbor, New Jersey and receive a credit towards the purchase of new firearms to be utilized by its Detectives.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-816 CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq: Division of Motor Vehicles: FDCJ, LLC t/a Flemington Dodge, Chrysler, Jeep, LLC, Flemington, New Jersey, for the purpose of providing (4) Sport Utility Vehicles w/Snow Plows, in the amount of \$149,396.00.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-817 CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to conduct a reverse online auction for Commercial Natural Gas pursuant to pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-818 CHAIRMAN DEBORAH P. SCANLON: Amending Resolution Number 2011-416, a contract with Bauch, Zucker, Hatfield, LLC, Springfield, New Jersey, special counsel for Labor Negotiations and Personnel Affairs to increase the cap for legal services in the amount of \$75,000 for a new contract amount not to exceed \$225,000.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-819 CHAIRMAN DEBORAH P. SCANLON: Approving Rahway Travel, Rahway, New Jersey, as a prequalified entity to provide Travel Agent Services to all County entities pursuant to N.J.S.A. 19:44A-20 et. seq.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-820 CHAIRMAN DEBORAH P. SCANLON: Concurring with the City of Summit granting permission to the YMCA to close Broad Street, from Summit Avenue and Maple Street between 12:00 p.m. and 5:00 p.m. on Sunday, October 16, 2011 to hold the 2011 YMCA 5K Run.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-821 CHAIRMAN DEBORAH P. SCANLON:** Granting permission to the Township of Scotch Plains to hang a banner across Park Avenue at the intersection of Front Street and Park Avenue from November 28, 2011 through December 4, 2011 for the Downtown Holiday Celebration which is being sponsored by the Department of Parks and Recreation and the Scotch Plains Business and Professional Association. Also, granting permission to close Park Avenue between Westfield Avenue and Front Street from 1:00 p.m. to 5:00 p.m. on Sunday, December 4, 2011.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-822 CHAIRMAN DEBORAH P. SCANLON:** Granting permission to the Township of Scotch Plains to hang a banner across Park Avenue at the intersection of Front Street and Park Avenue from September 19, 2011 through October 2, 2011 for Scotch Plains Day, which is sponsored by the Department of Parks and Recreation and the Scotch Plains Business and Professional Association. Also, granting permission to close Park Avenue between Westfield Avenue and Front Street from 9:00 a.m. to 6:00 p.m. on Sunday, October 2, 2011.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-823 CHAIRMAN DEBORAH P. SCANLON:** Concurring with the Township of Berkeley Heights, granting permission to the Summit Medical Group to hang a banner across Springfield Avenue from September 1, 2011 to October 2, 2011 to advertise their "Live Well Sports and Health Festival" to be held on Sunday, October 2, 2011, 12:00 p.m. to 4:00 p.m.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

- 2011-824 CHAIRMAN DEBORAH P. SCANLON:** Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq: Department of Engineering, Public Works & Facilities / Division of Facilities Management; Scientific Boiler Water Conditioning Co Inc., Linden, New Jersey, for the purpose of providing Water Treatment Services & Supplies for 24 consecutive months in the amount of \$31,801.44 with provision for one (1) twenty-four (24) month extension.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-825 CHAIRMAN DEBORAH P. SCANLON: Authorizing the County Manager to award the proposed contract obtained through advertised public bidding in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq: Department of Engineering, Public Works & Facilities / Division of Facilities Management: Twin Boro Lumber, Inc., Roselle, New Jersey, for the purpose of providing Ceiling Materials, twenty-four (24) consecutive months in an amount not to exceed \$114,307.45.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-826 CHAIRMAN DEBORAH P. SCANLON: Resolution authorizing the County Manager to enter into a Mutual Aid Agreement between the County of Union and the twenty-one (21) municipalities to assist in the recovery efforts and clean up from Hurricane Irene.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-827 CHAIRMAN DEBORAH P. SCANLON: Accepting a grant award in the amount of \$137,994.84 from the NJ Office of Homeland Security and Preparedness for the purpose of conducting an Interoperable Emergency Communications Exercise.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-828 CHAIRMAN DEBORAH P. SCANLON: Approving a partial settlement of pending litigation entitled Aspen Landscaping v. County of Union, et al in an amount not to exceed \$90,000.00 relating specifically to Change Orders 3,7,12,13, & 14 only.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

FREEHOLDER SPONSERED RESOLUTIONS

The following Resolutions are laudatory in content:

2011-829 FREEHOLDER LINDA CARTER: Congratulating St. Mary's Episcopal Church in Plainfield for raising funds for the "I Have A Dream Program" which enhances academic and social skills in young people.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-830 FREEHOLDER LINDA CARTER: Resolution congratulating Cheri Phillips on her retirement as a teacher with the Plainfield School District after 25 years of service.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-831 FREEHOLDER ANGEL G. ESTRADA: Resolution commending Elizabeth Mayor J. Christian Bollwage for his support of Benedictine Academy of Elizabeth.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-832 FREEHOLDER CHRISTOPHER HUDAK: Congratulating Justyna Kepa for being chosen the 2011 Linden Miss Polonia and Stephen C. Leonard, Esq., for being chosen the 2011 Linden Marshall at the annual General Pulaski Day Parade.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-833 FREEHOLDER DANIEL P. SULLIVAN: Expressing the Board's deepest condolences to the family of Velma Clara Kulish in their time of sorrow.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-834 VICE CHAIRMAN MIRABELLA, FREEHOLDER HUDAK: Congratulating the Columbus Day Parade Association of Union County 500th, Inc. on their 23rd Annual Christopher Columbus Celebration to be held on October 16, 2011.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Alexander Mirabella; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

2011-835 CHAIRMAN DEBORAH P. SCANLON: Proclaiming September 26, 2011 as "Mesothelioma Awareness Day" in Union County.

RESULT: ADOPTED [UNANIMOUS]; MOVER: Christopher Hudak, Freeholder; **SECONDER:** Bette Jane Kowalski, Freeholder; **AYES:** Freeholder Carter, Freeholder Estrada, Freeholder Hudak, Freeholder Jalloh, Freeholder Kowalski, Freeholder Sullivan, Freeholder Ward, Vice Chairman Mirabella, Chairman Scanlon;

PUBLIC COMMENT PORTION

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

FREEHOLDER REPORTS AND COMMENTS**EXECUTIVE SESSION:**

To the extend known, the following item(s) will be discussed in Executive Session:

1. Anticipated Contract Negotiations with FEMA and/or the Township of Cranford
2. Anticipated Litigation with the City of Linden

County Counsel Barry stated that pursuant to provisions of the Open Public Meetings Act a public body may enter into Executive Session for the purpose of discussing certain enumerated subjects. This Board will now enter Executive Session for the purpose of discussing anticipated contract negotiations with FEMA and/or the Township of Cranford and anticipated litigation with the City of Linden.

The minutes of the Executive Session shall be separated from the minutes of the Open Public Session. The minutes of the Executive Session, redacted as appropriate and necessary, shall be available in approximately 30 days. The Clerk of the Board shall retain the original minutes until such time as the confidential limitations have been removed, at which time they shall be made available.

Upon the Board's return, it may not take formal action on the matters discussed.

Upon a majority vote of the members present, the Board may now retire to Executive Session.

ADJOURNMENT

adjourn the meeting at 10:45 PM.

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, 6th 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.

REORGANIZATION MEETING - SUNDAY, JANUARY 9, 2011 at 12:00pm
Assignment Judge Karen M. Cassidy's Courtroom, 2 Broad Street, Elizabeth, NJ

AGENDA SETTING MEETINGS

January 20, 2011

February 3, 2011
February 17, 2011

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

January 27, 2011

February 10, 2011
February 24, 2011

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
BOARD OF CHOSEN FREEHOLDERS

RE:

FINAL READING OF THE : TRANSCRIPT OF
ORDINANCE 725-2011 :
AMENDING SOLID WASTE : PROCEEDINGS
MANAGEMENT PLAN :

ORIGINAL

O P E N S E S S I O N

Union County
Administration Building,
Freeholders Chambers
10 Elizabethtown Plaza
Elizabeth, New Jersey
Thursday, September 15, 2011
7:00 p.m.

B E F O R E:

DEBORAH P. SCANLON, CHAIRPERSON
ALEXANDER MIRABELLA, Vice Chairman
LINDA CARTER, Freeholder
ANGEL G. ESTRADA, Freeholder
CHRISTOPHER HUDAK, Freeholder
MOHAMED JALLOH, Freeholder
BETTE JANE KOWALSKI, Freeholder
DANIEL P. SULLIVAN, Freeholder
NANCY WARD, Freeholder
ALFRED J. FAELLA, County Manager
ROBERT E. BARRY, ESQ., County Counsel

Job No. NJ350465

1 CHAIRWOMAN SCANLON: All right. We
2 have an ordinance for First Reading. Would you
3 please read the title of Ordinance No. 725-2011.

4 THE CLERK: An Ordinance amending the
5 Union County District Solid Waste Management Plan.

6 1. Incorporate extensions of and
7 modification to the terms and provisions of the
8 facility lease agreement and the amended and
9 restated waste disposal agreement with Covanta
10 Union, Inc., for the operation of the Union County
11 Resource Recovery Facility.

12 2. Incorporate extensions of the
13 modification to the terms and provisions of the
14 local waste agreements with the County of Union and
15 certain municipalities therein as part of the Union
16 County Solid Waste System.

17 And 3. Reaffirm implementation and
18 enforcement of regulatory waste flow control for
19 processible waste generated in Union County..

20 CHAIRWOMAN SCANLON: Thank you. I
21 would ask County Counsel to make a statement for the
22 Board.

23 MR. BARRY: Thank you, Madam Chair.
24 Just two items of note; while there are no

25 ~~substantive amendments to the plan amendment that~~

1 has been proposed, there are two items that I want
2 to call to the Board's attention and to the
3 attention of the public. One is a correction, and
4 one is a clarification.

5 In the plan amendment itself, Roman
6 Numeral No. 2, page 5, in the first paragraph, the
7 original plan amendment referenced an extension for
8 an additional twenty-two and a half years.
9 Currently, that's been reduced to eight and a half
10 years at this point in time, and the revised plan
11 amendment that has been issued reflects the
12 eight-and-a-half-year period, which is accurate.

13 And the second, which is a clarification,
14 is at the end of the third paragraph in Roman
15 Numeral No. 2, at the top of page 6, and that
16 clarification is an additional sentence that
17 references the fiduciary revenue arrangement that
18 will occur in the last five years. That additional
19 sentence reads: The revenue-sharing arrangement
20 during the final five years of the extension period
21 will continue to service any and all remaining debt
22 outstanding. Those are the two items. Thank you,
23 Madam Chair.

24 CHAIRWOMAN SCANLON: Thank you. The
25 ~~meeting is open to the public for the purpose of~~

1 balloon payment at the end. And I say "two bonds"
2 because nobody is talking about this second bond,
3 which is called the solid waste bond. Mr. Enright
4 did talk about it, but DeCotiis only talked about
5 the facility lien bond.

6 But moving along here, we have large
7 balloon payments coming in the last five years.
8 DeCotiis at the McEnroe Hearing last Monday stated
9 that the revenue sharing will cover. Well, I went
10 home, and I took a look at his statement, and to
11 tell you the truth, it is totally wrong. Revenue
12 sharing means that, you know, obviously, some of the
13 revenue will go towards paying this bond. I can't
14 see that. All I can see is all of the revenue going
15 to pay this bond.

16 In my calculations, and I'm not going to
17 profess to be an expert like Mr. Enright or even Mr.
18 Gabel, I don't know if he's here, but anyway, what
19 it looks like based on Covanta running the
20 incinerator and maybe two percent profit increase
21 per year for the next 15 to 18 years, what Covanta
22 will have to generate in revenue to pay off this
23 balloon payment and also to make a profit since it's
24 a private enterprise, it obviously deserves a
25 ~~profit, their revenues that they're going to have to~~

1 generate in say 2028, as the average years in the
2 last five years, their revenues are going to have to
3 go from 55 million, which was last year, to
4 245 million. That's almost a multiple of five
5 times. In other words, they're going to have to
6 increase their revenue 500 percent.

7 This is an incinerator. It's got
8 basically a fixed waste stream. It's not a
9 technology company that will be able to create some
10 technology that more and more businesses will use.
11 It's not Walmart that will open up a lot more
12 stores. It's a fixed asset sitting over in Rahway
13 with a fixed waste stream coming to it. In 15 years
14 to increase the revenues enough to pay for these
15 balloon payments is impossible to make revenue --
16 generate revenue that will be four to five hundred
17 percent of what it is today. It's probably
18 impossible.

19 I've asked these questions. I've asked
20 these questions at the McEnroe Hearing as to how
21 this balloon payment is going to be paid, and all I
22 heard was, it's revenue sharing. Well, there's the
23 facts now. You're going to have to generate
24 approximately four to five times what the revenue is
25 ~~today to pay for these balloon payments. This is~~

1 impossible. It is physically, physically impossible
2 to do.

3 The problem here is nobody has looked at
4 this. Mr. Barry has looked at it. I've looked at
5 it. I don't think DeCotiis has actually ever
6 thought about somebody actually looking into what
7 they always propose. They're the main legal firm in
8 the state of New Jersey. Well, here's a couple of
9 little schlub residents that decided to look into
10 this. What I see, and I'm sure Mr. Barry is going
11 to speak to you, what I see, we've got major
12 problems here, and I've asked these questions, and
13 I've gotten no answer at the McEnroe Hearing, no
14 answer. That's amazing because you're supposed to
15 answer the public.

16 Now I'm standing here asking that same
17 question. How are these balloon payments going to
18 be paid? I would like to see some backup from
19 people, numerical backup. I suggest before you vote
20 you demand to see numerical backup.

21 Let me go to part two of what my problem
22 is. He's refinancing a bond. When you refinance
23 these two bonds, compared what the original 1998 to
24 2023 revise is going to be, 2012, you're actually
25 ~~going to save \$8.8 million. The balloon payment is~~

1 at the end. In the beginning there's actually a
2 savings, and I could see that there's going to be
3 some savings passed out to the towns, which is
4 great. That is a good idea. It's nice. However,
5 I'm looking at this 8.8 million, and again at the
6 McEnroe Hearing, I actually questioned who is going
7 to receive this 8.8 million savings from the old
8 bonds to the new bonds.

9 I have an attachment. I don't know if I
10 said it to you, but I was able to track \$7 million
11 of that \$8.8 million. I thought that -- Jonathan
12 Williams did actually address, but it's the strange
13 part is, he only addressed of that 8.8 million of
14 savings that should be spread around to whatever
15 entity, he only accounted for \$4 million, which
16 actually leaves \$4.8 million unaccounted for.

17 Now, I'm standing at this hearing, and I
18 sure hope someone is going to come up and answer
19 what this is because this \$4.8 million is
20 inexplicable. It's untraceable. I suggest any of
21 you, you should not be voting tonight because
22 there's major questions here that have to be
23 answered. You should see the backup as to how these
24 balloon payments are going to be paid because
25 ~~increasing revenues by four or five hundred percent~~

1 on a hard industry such as incineration is
2 impossible. That's number one.

3 And number two, in summary, tracking what
4 that 8.8 million savings is all about, no one has
5 been able to give me an answer. I suggest you
6 actually find out what that answer is before you
7 even vote. It's untraceable in all the documents,
8 and I've read these documents, and let me just wrap
9 up because actually in my first letter I said, and
10 I'll make some corrections because there are some
11 corrections, and one I questioned Freeholder
12 Sullivan's credentials.

13 Mr. Williams of DeCotiis stated that back
14 in '98, Mr. Sullivan and a few other people
15 single-handedly saved Covanta from near bankruptcy.
16 I appreciate that statement, and at this point, I'll
17 retract my questions about his credentials. In
18 addition, I also noted that DeCotiis was selling us
19 for the rate relief however, and I was saying that
20 Covanta is in dire straits financially. That's an
21 erroneous statement, and he corrected that, that he
22 did not make that statement. So I apologize for
23 that, and I apologize for questioning the
24 credentials.

25 ~~However, financing, this is a major one,~~

1 this financing. I would like to hear answers. Are
2 we going to hear answers on this, or this is just a
3 comment period?

4 CHAIRWOMAN SCANLON: It's a comment
5 period.

6 MR. PATERSON: Then I seriously
7 request that you don't do anything tonight, and if
8 anything, sit down with me. I'll show you. I'll
9 explain whatever. I'll explain my backup. You're
10 only hearing from one side. Now this is the other
11 side. This is the ratepayers' side, and we're
12 looking at major problems here. Thank you very much
13 for giving me the extra time.

14 MR. WILLIAMS: Good evening, Madam
15 Chair, Members of the Board. My name is Jonathan
16 Williams, special counsel to the Union County
17 Utilities Authority.

18 CHAIRWOMAN SCANLON: Jonathan, I need
19 you to speak up a little bit so I can hear you.

20 MR. WILLIAMS: Absolutely. I was
21 introducing myself. I'm Jonathan Williams, special
22 counsel to the Union County Utilities Authority.
23 With me tonight is Dennis Enright, who is the
24 underwriter for the transaction, which we are
25 ~~proposing for your approval tonight by way of a plan~~

1 amendment to the Union County Solid Waste Management
2 Plan.

3 I've heard Mr. Paterson ask these
4 questions before as he was good enough to point out.
5 He ignores the answers. The last time he brought up
6 the issue about the balloon payments, he failed to
7 mention revenue sharing at all. The plan amendment
8 along with the revised McEnroe petition, all talks
9 about the revenue sharing formula with Covanta,
10 which we've negotiated for, which was a difficult
11 concession to get them to make because it provides a
12 significant amount of revenue in the last five years
13 of the transaction.

14 I'm going to let Mr. Enright address
15 specific numbers that are involved in terms of
16 producing sufficient revenue to retire the balloon
17 payments in the last five years of the refinancing
18 debt.

19 MR. ENRIGHT: The revenue-sharing
20 payments which the UCUA will be entitled to are
21 based on the gross revenues of the facility, not the
22 net profit of the facility. They amount to about
23 37 percent of the gross revenues of the facility.
24 They are more than sufficient to pay the balloon
25 ~~that will be remaining in the end. Those revenues~~

1 are based upon a projection what they would be
2 growing them at inflation, on 2.7-percent inflation
3 rate, which has been used consistently since 1998.
4 Your predicting the revenues of the facility have
5 been accurate, as both has electrical revenues and
6 as to the disposal fee revenues.

7 Keep in mind that the disposal fee
8 revenues already have the CPI formula embedded in
9 them by contract. Those revenues are pretty secure,
10 and the electric revenues actually have grown since
11 1998, have grown to create a very large revenue
12 stream, which is what brought us to a renegotiation
13 to try to get the public sector to share in that
14 full profit that was being made. So those were the
15 basis of the negotiation that led to a structure.
16 Originally, we were going to do a 40-year deal.
17 That didn't happen, so we had to condense it.
18 Inside of that is the revenue sharing allowed us to
19 do that.

20 So the County does have some exposure.
21 There's no questions it has some exposure, but the
22 reasonable projections would indicate that you're
23 well covered in terms of making all of those
24 payments in the future years. And keep in mind also
25 ~~to the extend that there were any shortfalls at the~~

1 end of the twentieth year, 2031, the entire facility
2 goes back to UCUA, and all of the profits reside in
3 the public sector. So if there were any problems,
4 it could be taken care of with a refinance at that
5 point in time. It's highly unlikely, but that's the
6 situation.

7 As to the savings on the refunding
8 themselves, you know, if you want to look at the
9 actual economics, you could save money or not save
10 money by refinancing the bonds. The only way to do
11 that fairly is to do what's called a net present
12 value analysis. You could take all of the flows and
13 measure them side by side and discount them at the
14 borrowed rate at today's dollars.

15 In both cases, both the lease revenue
16 bonds, which are relating to the plan; and the solid
17 waste system bonds, which are related to flow
18 control and stranded debt, in both cases they
19 produce net present value savings at today's market.
20 You don't lose money on their present value.
21 They're a couple million dollars each. I don't have
22 the actual numbers in front of me. So I think
23 that's, you know, consistent with everything we've
24 shown to you and all the regulatory bodies
25 throughout.

1 As to the untraceable money that the
2 gentleman talked about, I can't follow his logic so
3 I can't trace the money. I believe what he's done
4 is found that he's allocated money to different
5 parties along way, and there is an amount left, and
6 that amount left technically is Covanta's profits in
7 the early years. I mean so that's really what that
8 money is. That's what I can understand of the
9 question.

10 MR. WILLIAMS: I would assume that
11 there may be other questions asked by other
12 speakers. We're here tonight to answer those
13 question and to provide a complete record for the
14 State in their review of the Solid Waste Plan
15 Amendment. I would also like to remind the Board if
16 I may, that the local finance board has reviewed the
17 economics of this transaction and voted unanimously
18 to approve it, and the Department of Community
19 Affairs, as well as the New Jersey Department of
20 Environmental Protection did an economic review and
21 asked over a hundred multi-part questions, analyzed
22 the economics of the transaction, all of which were
23 answered by UCUA budget team, and all of it was
24 satisfactory to the State. Thank you.

25 ~~CHAIRWOMAN SCANLON: Is there any~~

1 anyone else who would like to comment on the
2 ordinance only.

3 MR. MURRAY: Yeah, John Murray, slub
4 resident of Kenilworth. As far as the studies and
5 the bonding and the debt, we're pretty much, you
6 know, you could come out with whatever you feel
7 like. I'm sure they did studies in Harrisburg when
8 they were playing around with their incinerator.
9 Harrisburg is probably going to go bankrupt because
10 of the incinerator debt, but I'm sure the studies
11 were pretty thorough.

12 Thankfully, we're apparently going to get
13 answers to questions because I was at the meeting on
14 Monday for the McEnroe Hearing, and there were four
15 questions that weren't answered so I'll pose them
16 again. What's the gate price for an out-of-county
17 order, something for New York City, no contract,
18 whatever comes in, what do they pay per ton?

19 What's the lost revenue between 2004 and
20 2103? A dollar figure, a real dollar figure, the
21 electricity sales, recyclables, that would come back
22 to the public sector. As it stands now, it looks
23 like it's 17 million, electricity; 5 million,
24 recyclables. That's a ton of money, over seven,
25 ~~eight years. That's my guess, but I would like a~~

1 real number. And then the total debt, including
2 landfill bonds, what is it now, would what it be
3 when -- just two numbers is fine, what will it be
4 when this goes through, what's the total debt. And
5 the fourth one was the DeCotiis and Northwest
6 financial fees to date, and what they're expected to
7 get from this.

8 So those questions were -- I posed them
9 Monday, and they weren't answered. I have video
10 evidence of the fact, and other part of this is how
11 this is sold. This is not -- I was at that hearing.
12 I was really looking for someone to represent the
13 UCUA, the taxpayers, especially the taxpayers, but
14 there is nobody, especially Kenilworth. You can
15 just sell them a bill of goods.

16 They signed a contract back in December or
17 October, and in there, there is a guaranteed
18 tonnage, and they were told that their guaranteed
19 tonnage is 3,000. It's not. It hasn't been that
20 probably since '04, but that is what they will have
21 to pay. Now, in the past, the UCUA has not enforced
22 that because they only needed 250,000 tons according
23 to the contract, and they were getting it from other
24 places. But now we need 430,000 tons, and that's
25 ~~the real reason is to project Govanta's profits, and~~

1 there really should be somebody out there looking to
2 protect Union County taxpayers, not profits but
3 them.

4 In the justification to this agreement
5 that was filed in February, it says there is a risk.
6 The increase in annual guaranteed level waste, the
7 UCUA has agreed to deliver from 250 to 430. There's
8 a risk there, but this is how they mitigate that
9 risk. The first reason, the extended local waste
10 agreements are approximately 175,000 tons annually,
11 require the local municipalities to deliver a
12 guaranteed annual tonnage of waste. In the event
13 that a municipality does not deliver the guaranteed
14 level of waste, the municipality is still required
15 to pay as if that guaranteed level of waste had been
16 delivered. This is what they certified to the
17 government -- to the State.

18 This has not been enforced in the past.
19 Kenilworth probably has around 2600, the last number
20 I have is 2,673 for 2009. In their contract it says
21 3,000. They signed it. The UCUA can bill them
22 3,000, and according to this, it looks like they
23 will bill them 3,000. So that twelve-dollar
24 savings, it's gone, and that twelve dollars isn't
25 ~~indexed, and it gets worse and worse and higher.~~

1 There will be a massive loss, and as the waste drops
2 five years from now, it's possible that Kenilworth
3 could have 2,000 tons of waste, and still be paying
4 for 3,000. That's how it's been going, and this is
5 going to be a surprise to the municipalities, unless
6 they listen to the e-mails I sent to them.

7 I am encouraging every municipality to
8 cross out that guaranteed tonnage. They don't have
9 to be robots. They don't have to sign whatever is
10 put in front of them because what's put in front of
11 them is likely written by Covanta. That guaranteed
12 tonnage has got to be out. It is unconscionable to
13 be sending waste in and having to pay for -- it's
14 unconscionable for towns to have to send 2,600 tons
15 of waste and have to pay for 3,000. If they
16 understand that position, I don't think that -- and
17 the towns weren't told that.

18 I know in Kenilworth, according to the
19 record of the work session of 10/26, Kenilworth was
20 told that they had 3,000 tons, and nobody
21 investigated there. So there's going to be a major
22 surprise. Another quick thing, that 2002 agreement
23 that Kenilworth signed, the guaranteed tonnage
24 number was blank. So I don't think Covanta can
25 ~~actually, so they needed a new agreement. I don't~~

1 know if it's only Kenilworth that was blank. It may
2 have been blank for the other ones. But they
3 provided me with that, and there's no number in the
4 guaranteed tonnage. So maybe they have to go
5 through this to guarantee Covanta's profits, which
6 is really what this looks like this is about. But
7 if you've got the questions, I would like the four
8 questions answered if they were -- if the answers
9 are available now.

10 MR. WILLIAMS: Mr. Berry indicated
11 that he asked those questions at the McEnroe Hearing
12 on the Monday meeting and they weren't answered. Of
13 course what he did not bother to tell you that was
14 gone over repeatedly within the record, that the
15 record of the McEnroe Hearing will remain open for
16 15 days, and any questions that were not answered
17 that night would be in writing and made a part of
18 the McEnroe report, and that he could ask any
19 additional question over that 15-day period, and
20 those would be answered as well. He knows that was
21 said, and he made a tape of it. He just doesn't
22 feel like talking about it tonight.

23 Now, let's step back and let's talk about
24 what the questions really go to. The guaranteed
25 ~~tonnage figures in the local waste agreement have~~

1 been there since 1998, and the 13 municipalities
2 that signed in '98, those numbers, those tonnage
3 figures were based on their historical tonnage
4 figures, and those numbers were selected by the
5 municipalities, not by Covanta, not by the UCUA.
6 Those numbers were put into the agreement by the
7 municipalities, and everyone understood at the time
8 that that was a minimum or what we call a put-or-pay
9 amount of tonnage that has to be delivered.

10 It was indicated accurately that the UCUA
11 has never had to enforce under-deliveries. What
12 isn't mentioned is that historically, since '98,
13 there have been any number of municipalities that
14 over-deliver; 125 percent of that number is
15 permissible by contract, and that the UCUA came up
16 with a formula which allowed the under-deliveries by
17 some towns to offset over-deliveries by other towns,
18 but some municipalities did end up paying a penalty
19 to the UCUA for over-delivery of waste, and it was
20 controversial, but it was done because the towns had
21 negotiated for the wrong numbers.

22 Under the proposed agreement that we're
23 entering into, the towns are able to revisit the
24 tonnage figures in order to increase them every five
25 years. ~~The municipality that was referred to by Mr.~~

1 Murray joined late because they realized they made a
2 mistake and were losing money with the disposal of
3 their waste and the cost of doing so. That number
4 in the contract when they joined and was not blank.
5 It was a number that they selected. It is not the
6 expectation of the UCUA to have to penalize any
7 municipality for failure to meet its put-or-pay
8 obligation. The State has read with respect to the
9 application for the State to approve, as well as the
10 basis on which we were able to finance solid waste
11 disposal debt.

12 The provision is certainly there for the
13 enforcement of the put-or-pay agreement. They've
14 assured me that it's never happened. We believe the
15 projection that we're showing of 330 tons of Union
16 County waste, 330,000 tons of Union County waste is
17 the only obligation in the agreement, and anyone
18 that has read all the documents would be able to
19 tell you that should there be a shortfall on the
20 delivery of that waste, there is a mitigation
21 obligation on the part of the operator of the
22 facilities to bring waste so that there will be no
23 shortfall payment requirement.

24 Gate price being charged for out-of-county
25 ~~waste; we are, as I've said many times in the course~~

1 of this process, we are going back in the business.
2 We are going to market 100,000 tons of out-of-county
3 waste. We're going to do so with an opportunity to
4 make a profit or a differential on what we pay
5 Covanta to process that waste, and what we charge
6 the sending municipality or county, and the State
7 has imposed the requirement that Union County
8 receive one hundred percent of the differential or
9 profit, rather than 50 percent which was originally
10 proposed. Do you want to talk about that?

11 MR. ENRIGHT: I don't have all the
12 runs in front of me, but I believe these are very
13 close to accurate figures. The current debt
14 outstanding on the lease revenue bonds is
15 \$126 million; on the system bonds, about \$67
16 million; landfill bond is about \$25 million. The
17 landfill bonds are not being touched. They'll still
18 remain outstanding, same with the solid waste system
19 bonds are being refunded. The new debt will be
20 about \$69 million. The lease bonds are being
21 refunded. The new debt will be about \$134 million.
22 At the hearing the other night, I used a rounded
23 number of 140 million and 70 million, but those are
24 closer and accurate because I did look at them when
25 I got back.

1 I'd just like to make one comment that,
2 you know, this deal was restructured in 1998, when
3 the County was facing \$300 million in debt that they
4 were going to have to take on when the plan was
5 losing money, and the restructuring of that deal
6 created or reduced that debt down to under \$100
7 million. That became the stranded debt that got
8 charged to use in the system.

9 That deal, Covanta came in and put in \$200
10 million in to offset that debt. That's where the
11 money came from, from the \$200 million that they put
12 in for their own front lease payment if you would.
13 So as a result of that deal, they have the right to
14 run the facility and get the profits or losses that
15 might come from them. Those profits were higher
16 than normal. As I mentioned before, the electric
17 prices were higher. They were willing to enter
18 negotiations and let the public sector share in them
19 as part of that now rather than wait until we get
20 the plan back later. That's what led to the
21 structure that we have today. I just wanted to
22 remind everybody that's how we kind of got here.

23 MR. WILLIAMS: I would just like to
24 add, if I may, on the question of lost revenue and
25 ~~what are we losing by extending this relationship~~

1 beyond 2023, in 2023, we would get the facility
2 back, and we would get all of the energy revenue and
3 all of the money that would come in. But as was
4 said the other night on Monday night, someone stood
5 up and actually said that in 2023, the debt would be
6 gone, and we would be able to have solid waste
7 disposal for nothing, which just to me speaks of
8 complete lack of ignorance -- I mean a complete lack
9 of knowledge and analysis of the situation because
10 in 2023, you would get a facility that still has to
11 be operated, the people still have to process the
12 waste, ash still has to be disposed of in landfills,
13 the facility still has to be maintained, all of the
14 things which Covanta does.

15 Covanta somehow throughout this process
16 for some people has become a dirty word. We don't
17 defend Covanta. They have a right to make a profit.
18 They have a right to the transaction that they
19 negotiated, as Mr. Enright just pointed out, in '98.
20 We negotiated to obtain benefits that we've talked a
21 lot about, the \$4 million per year that will be
22 distributed to municipalities and to ratepayers in
23 the County. Someone is saying that the ratepayers
24 are going to be put at a disadvantage by this
25 transaction.

1 The Union County ratepayers, since '98,
2 when the facility was about to go under, it wasn't
3 Covanta or Ogden, it wasn't the UCUA. It was County
4 debt that was about to go into default. We have
5 lowered the rate then down to \$50 a ton from much,
6 much higher prices. We have the lowest disposal
7 fees. We want to continue to have the lowest
8 deposal fees in the region. Thank you.

9 CHAIRWOMAN SCANLON: Thank you.

10 MS. RENNA: Tina Renna, Cranford. I
11 want to commend my fellow citizens, Bruce Paterson
12 and John Murray, for putting so much time and effort
13 into trying to understand what's going on here.
14 This is complicated stuff. Mr. Williams used the
15 word "ignorance." He referred to residents as being
16 ignorant. Well, honestly, I am ignorant. This is
17 complicated. I would bet \$1,000 that if we had the
18 chance to poll every Freeholder right now and ask
19 you three questions about this deal, I would guess
20 that you wouldn't be able to answer it.

21 There are complicated numbers being thrown
22 around. Bruce is writing furiously. I'm watching
23 you. Not one of are taking a note. Your minds are
24 already made up. What do Council People have but
25 ~~this presentation from your end? The Union County~~

1 Improvement Authority wants this. This law firm is
2 very connected with the Union County Improvement
3 Authority, and this is the only information that
4 these Council People, these extremely busy Council
5 People that are way busier than Freeholders, they
6 have so much responsibility, how could they ever put
7 the due diligence into absorbing this and making an
8 educated decision? They have to trust you blindly.

9 So I commend Bruce and John for their
10 work. John is a pension actuary, very good with
11 numbers. Bruce is an engineer. I'm more of word
12 person. I haven't been able to follow it, but I
13 just want to pay them their respects. Citizens owe
14 a debt of gratitude to them. You might not have
15 liked the way they tried, but they tried. This is
16 very, extremely time-consuming, and they really put
17 a huge effort into it, and they deserve more
18 respect.

19 Dennis Enright has said that he didn't
20 understand Bruce Paterson's question. Bruce wrote
21 it down for me, or he wrote a different question
22 now. I would ask out of respect that Dennis -- I'm
23 sorry, Mr. Enright explained that he didn't
24 understand Bruce's question that you allow Bruce to
25 ~~ask his own question, but if not, I will read it for~~

1 him, and he can ask it, I guess, later.

2 As Corning said, for a balloon payment,
3 Covanta will pay 37 percent of gross revenues. In
4 2009 and 2010, operating margin holds steady at 35
5 percent. How can they pay 37 percent if they only
6 make 35-percent margin? This means no profit at all
7 or a loss. I would appreciate an answer. Thank
8 you.

9 MR. ENRIGHT: The operating margin is
10 not what the County is paid off. They're paid off
11 gross revenue dollars. All of the dollars that come
12 in is on top of that. They're paid off the dollars
13 for operational, for the revenue sharing. So it's
14 all the dollars that come in at the top. If Covanta
15 for whatever reason suffers a loss, that's Covanta's
16 problem. It's not the County's problem. The County
17 gets it off the top dollars, not the bottom dollars.

18 MR. BITNICK: Jim Bitnick, Cranford,
19 New Jersey. I'll like to first echo Ms. Renna's
20 remarks about Bruce Paterson and John Murray. They
21 have done an inordinate amount of work on this
22 subject, a subject that I personally don't have the
23 knowledge of or the insight to fully understand.

24 But I would like to first start reading a
25 ~~quote in the Union County Directions that came out~~

1 last Tuesday. It was by the new County Manager, Al
2 Faella. Quote, I think the role of government is to
3 fill in the gaps where the private sector won't.
4 The foreclosure crises was caused by a lack of
5 regulation and allowing investment to do whatever
6 they wanted. There is an example of how no
7 government oversight led to colossal problems.

8 So far we've listen to the bonding people.
9 We've listened to the lawyers. We've yet to hear
10 from the Director of Finance on this subject. We've
11 yet to here a word uttered by the County Manager on
12 the subject. We've yet to hear any discussion
13 whatsoever by any of the Freeholders on this
14 subject. I think the taxpayers of Union County are
15 owed that respect.

16 We are -- what is being proposed here
17 tonight to be voted on is mortgaging the future of
18 the taxpayers in Union County 30 year going forward.
19 It's much like the vote I listened to where we said,
20 the Freeholder Board unanimously voted to provide
21 the 650 nonunion employees and their families free
22 healthcare for life.

23 CHAIRWOMAN SCANLON: Please talk
24 about the ordinance.

25 ~~MR. BITNICK: I believe I am~~

1 relevant.

2 CHAIRWOMAN SCANLON: You are
3 relevant, and I would appreciate that you would
4 stick to the subject.

5 MR. BITNICK: I am.

6 CHAIRWOMAN SCANLON: No, you're not.

7 MR. BITNICK: I'm saying that we need
8 the discussion, and I'll not hearing.

9 CHAIRWOMAN SCANLON: I may agree with
10 you on that, but I don't think you have to bring in
11 other issues outside of talking about this
12 ordinance.

13 MR. BITNICK: The point being is that
14 the analysis was done after the vote, and I would
15 not like to see that happen here on this resolution.
16 I would like to see the Director of Finance here at
17 this podium. I would like to hear the County
18 Manager at his position speak about this and refute
19 what these two taxpayers have stood here and said is
20 the facts. They've done their homework.

21 I have yet to hear a word uttered by any
22 Freeholder, Freeholder Carter, Freeholder Estrada,
23 Freeholder Ward, Freeholder Mirabella, Freeholder
24 Jalloh, Freeholder Kowalski, Freeholder Hudak. None
25 ~~of you have spoken a word to either refute these~~

1 gentlemen and their findings or stand up and say,
2 this is good for Union County. I would like to hear
3 that from the Finance Director, the County Manager
4 and the Freeholders. Thank you.

5 CHAIRWOMAN SCANLON: Is there anyone
6 else who would like to speak on this?

7 MS. LONG: Good evening. My name is
8 Jocelyn Long. I live in Elizabeth, New Jersey. I
9 have a sort of basic question related to the
10 37-percent revenue shares and its guarantees to the
11 County. Rightfully, it's the County's
12 responsibility that Covanta be able to pay that
13 money. However, should Covanta file for bankruptcy
14 or go out of business, what recourse does the County
15 have to recoup the funds that are due to them?
16 That's it.

17 MR. WILLIAMS: Under that
18 circumstances, the county would retain ownership of
19 the \$300 million resource recovery facility, with
20 all of the profits and all of the revenue sharing
21 that will come from it.

22 MS. LONG: Would that be immediately?

23 MR. WILLIAMS: Yes.

24 CHAIRWOMAN SCANLON: Any other
25 ~~questions? Now, I'll close this portion of the~~

1 meeting, and ask for movement with respect to
2 Ordinance No. 725-2011, and authorize the Clerk of
3 the Board to advertise same in accordance with the
4 law.

5 Is there a second? Second by Vice Chair
6 Mirabella.

7 Roll call, please, Madam Clerk.

8 THE CLERK: Freeholder Carter.

9 FREEHOLDER CARTER: Yes.

10 THE CLERK: Freeholder Estrada.

11 FREEHOLDER ESTRADA: Yes.

12 THE CLERK: Freeholder Hudak.

13 FREEHOLDER HUDAK: Aye.

14 THE CLERK: Freeholder Jalloh.

15 FREEHOLDER JALLOH: Aye.

16 THE CLERK: Freeholder Kowalski.

17 FREEHOLDER KOWALSKI: Yes.

18 THE CLERK: Freeholder Ward.

19 FREEHOLDER WARD: Aye.

20 THE CLERK: Vice Chairman Mirabella.

21 VICE CHAIRMAN MIRABELLA: Aye.

22 THE CLERK: Chairwoman Scanlon.

23 CHAIRPERSON SCANLON: Aye.

24 THE CLERK: Eight in the affirmative.

25 ~~CHAIRWOMAN SCANLON: Thank you.~~

(Whereupon the proceeding is then
concluded at 8:18 p.m.)

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C E R T I F I C A T I O N

I, SHARI CATHEY, a Notary Public and
Shorthand Reporter of the State of New Jersey,
hereby certify that the proceedings herein are from
the notes taken by me of a Regular Meeting of the
Union County Freeholder Board, held on Thursday,
September 15, 2011; and that this is a correct
transcript of the same.

Shari Cathey ^{AVF}
SHARI CATHEY, S.R.
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/12

8:25pm



COUNTY OF UNION

OFFICE OF THE COUNTY MANAGER
George W. Devanney, County Manager

**BOARD OF
CHOSEN FREEHOLDERS**

DEBORAH P. SCANLON
Chairman

ALEXANDER MIRABELLA
Vice Chairman

LINDA CARTER

ANGEL G. ESTRADA

CHRISTOPHER HUDAK

MOHAMED S. JALLOH

BETTE JANE KOWALSKI

DANIEL P. SULLIVAN

NANCY WARD

GEORGE W. DEVANNEY
County Manager

M. ELIZABETH GENIEVICH,
C.M.C., M.P.A.
*Deputy County Manager/
Director of Administrative
Services*

ROBERT E. BARRY, ESQ.
County Counsel

NICOLE L. DIRADO,
C.M.C., M.P.A.
Clerk of the Board

TO: M. Elizabeth Genievich
Deputy County Manager

FROM: George W. Devanney
County Manager

DATE: July 7, 2011

RE: Recusal

Cc: Deborah P. Scanlon, Chairman
Union County Board of Chosen Freeholder
Robert E. Barry, Esq., County Counsel
Sharda Badri, Office Manager
Vikki Durban-Drake, Director
Open Space

In order to avoid any appearance of conflict of interest in matters pertaining to the following companies and/or projects:

Union County Performing Art Center

I am delegating the responsibility and authority in the handling of any such matters to you. Please ensure that I am screened from any such information or communication on any such matters. By copy of this memorandum I am instructing Sharda Badri to ensure that I do not receive any communication of any matters affecting the aforementioned company or project. Further, if she has any questions, she should contact you.

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908)527-4200

fax(908)289-0180

www.ucnj.org

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