

October 15, 2020

Joseph N. DiVincenzo, Jr., County Executive
Essex County Hall of Records, Room 405
465 Dr. Martin Luther King Blvd.
Newark, New Jersey 07102

Re: ECUA Meeting of October 13, 2020

Dear County Executive DiVincenzo:

Enclosed please find the minutes of the ECUA Meeting of October 13, 2020

The agenda for said meeting is attached hereto.

In Attendance:

COMMISSIONERS

Nicholas Grieco, Chairman
Caren Freyer, Vice Chair
Joseph Tyrrell, Treasurer
Quinzell McKenzie
Louis Stanzione

STAFF

Elmer J. Herrmann, Jr., Acting Executive Director
Paul Jemas, Special Counsel
Bethany O'Toole, Chief Financial Officer
Lois Caruso, Assistant Secretary
Tom Barrett, Public Information Officer

DISCUSSION AND ACTION ITEMS

1. Approval of the minutes of the September 15, 2020 meeting-Approved
2. Res. # 10-20-36 Resolution authorizing payment of bills from the Authority's Solid Waste Operating and Bond Accounts and Water System Project Note Accounts – Approved

Page 2.

3. Res. # 10-20-37 Resolution authorizing the Introduction of a combined Budget for the Authority's Solid Waste and Water Operations for the period from January 1, 2021 through December 31, 2021 in accordance with provisions for the Local Authorities Fiscal Control Law, N.J.S.A 40A:5A-1 et seq. – Approved
4. Res. # 10-20-38 Resolution authorizing a closed work session –No Action Taken

MEETING ADJOURNED

Respectfully Submitted,

Essex County Utilities Authority

By: _____
Elmer J. Herrmann, Jr.
Acting Executive Director

Attachment

cc: Philip Alagia, Chief of Staff
Deborah Davis-Ford, Clerk of the BOCF
ECUA Commissioners

Resolution # 10-20-36

**RESOLUTION OF THE ESSEX COUNTY UTILITIES
AUTHORITY AUTHORIZING PAYMENT OF BILLS
FROM THE AUTHORITY'S SOLID WASTE OPERATING
ACCOUNT AND BOND ACCOUNTS AND WATER
SYSTEM PROJECT NOTE ACCOUNTS**

WHEREAS, in order to, among other things, provide for the provision of solid waste management services in a more effective and efficient manner, the Board of Chosen Freeholders of the County has, by ordinance finally adopted July 1, 1992 (the "Creation Ordinance"), created the Authority and empowered the Authority to provide (directly or by contract) for the collection, transportation, recycling and disposal of solid waste generated within the geographic boundaries of the County in an environmentally sound manner; and

WHEREAS, pursuant to the provisions of the Creation Ordinance, the County has designated the Authority as the agency responsible for implementation of the provisions of the County's Solid Waste Management Plan and the Water Supply and Distribution System; and

WHEREAS, pursuant to the provisions of the amendment to the Creation Ordinance, the County has authorized the Authority to undertake the provision and distribution of potable water for public and private uses for municipalities and commercial establishments (in addition to the County) located within the County; and

WHEREAS, in order to give effect to, and facilitate the transfer from the County to the Authority of responsibility for the development, administration and implementation of an integrated solid waste management system, as contemplated by the terms of the Creation Ordinance, the Board of Chosen Freeholders of the County by resolution duly adopted September 9, 1992, determined to assign and/or transfer to the Authority all agreements, documents and/or regulatory orders relating to solid waste matters; and

WHEREAS, in furtherance of such responsibility, the Authority has incurred certain costs and expenses relating to the development, administration and implementation of its solid waste system and water supply and distribution system and such costs and expenses constitute Operating Expenses.

WHEREAS, the Authority desires to approve such invoices for payment; now therefore,

BE IT RESOLVED BY THE ESSEX COUNTY UTILITIES AUTHORITY,
as follows:

Section 1. (a) The invoices submitted to the Authority for services rendered are set forth on Exhibit A which is attached hereto and which by this reference is made part hereof as if set forth in full herein. Such invoices are hereby approved.

(b) Such invoices shall be paid by the Authority from amounts which are on deposit in the Authority's Operating and Bond Accounts and Water System Project Note Accounts, established and created pursuant to the Authority's resolutions.

Section 2. This resolution shall take effect immediately.

Res. # 10-20-37

2021 (2021-2022) AUTHORITY BUDGET RESOLUTION

Essex County Utilities Authority

(Name)

FISCAL YEAR: **FROM:** January 1, 2021 **TO:** December 31, 2021

WHEREAS, the Annual Budget and Capital Budget for the Essex County Utilities Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 has been presented before the governing body of the Essex County Utilities Authority at its open public meeting of October 13, 2020; and

WHEREAS, the schedule of rents, fees and other charges, shown on **Budget Page F-2** in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves shown on **Budget Page F-4**, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program shown on **Capital Budget Page CB-3**, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Essex County Utilities Authority, at an open public meeting held on October 13, 2020 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Essex County Utilities Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Essex County Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on November 17, 2020.

(Secretary's Signature)

October 13, 2020
(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent

Nicholas A. Grieco
 Caren Freyer-De Souza
 Victor A. Afanador
 Louis J. Stanzione
 Jessica F. Battaglia
 Joseph S. Tyrrell
 Quinzell R. McKenzie

**RESOLUTION OF THE ESSEX COUNTY UTILITIES AUTHORITY
AUTHORIZING CLOSED WORK SESSION FROM WHICH THE PUBLIC IS
EXCLUDED**

WHEREAS, The Essex County Utilities Authority (the “Authority”) has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957, of the State of New Jersey and the acts amendatory thereof and supplemental thereto; and

WHEREAS, the Authority constitutes a “public body” as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey and the acts amendatory thereof and supplemental thereto (the “Open Public Meetings Act”); and

WHEREAS, the Open Public Meetings Act permits a “public body”, as such term is defined therein, to exclude members of the public from portions of any “meeting”, as such term is defined therein, under certain limited circumstances, including (a) any discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) any matters which fall within the attorney-client privilege, as set forth in Section 7(b) (7) of the Open Public Meetings Act; and

WHEREAS, in order to enable the Authority to hold discussions concerning pending and anticipated litigation, the Authority desires to conduct a portion of the meeting in a closed work session from which members of the public shall be excluded; now therefore,

BE IT RESOLVED BY THE ESSEX COUNTY UTILITIES AUTHORITY, as follows:

Section 1. In accordance with the provisions of Section 8 of the Open Public Meetings Act, the Authority hereby determines to conduct a portion of the meeting in a closed work session from which members of the public shall be excluded in accordance with the provisions of Section 7 (b) (7) of the Open Public Meetings Act. Such closed work session shall be limited to matters relating to pending and anticipated litigation involving or expected to involve the Authority and matters which fall within the attorney-client privilege.

Section 2. Minutes of each closed work session shall be prepared and maintained by the Authority and such minutes shall be made available to members of the public at such time as the litigation to be discussed has been completed and/or the events giving rise to the privileged communications between the Authority and its counsel have ceased.

Section 3. This resolution shall take effect immediately.