

AGENDA
THE ESSEX COUNTY UTILITIES AUTHORITY
Tuesday, April 22, 2025 @ 2:00 pm
Telephonic Meeting
The Leroy F. Smith, Jr. Public Safety Building
60 Nelson Place
6th Floor
Newark, New Jersey

- Call To Order
- Notice of Compliance With Open Public Meetings Act; Proof of Notice;
- Roll Call
- Pledge of Allegiance
- Public Comments
- **REPORT OF COMMITTEES**

A. DISCUSSION AND ACTION ITEM

1. Approval of the minutes of the February 18, 2025 meeting.
2. **Res. # 04-25-20** Resolution of the Essex County Utilities Authority ratifying payment of invoices of the March 2025 Bill List.
3. **Res. # 04-25-21** Resolution of the Essex County Utilities Authority authorizing payment of bills from the Authority's Solid Waste Operating and Bond Accounts and Water System Project Note Accounts.

4. **Res. # 04-25-22** Resolution of the Essex County Utilities Authority accepting the Independent Audit of the Authority's Solid Waste and Water System Operations for the year ended December 31, 2024 prepared by Bederson & Co., LLP.
5. **Res. # 04-25-23** Governing Body Certification of the Annual Audit Form of Resolution.
6. **Res. # 04-25-24** Resolution of the Essex County Utilities Authority authorizing the execution and filing of an application with respect to a 2024 Recycling Enhancement Act Tax Fund Grant.
7. **Res. # 04-25-25** Resolution of the Essex County Utilities Authority authorizing a closed work session from which the public is excluded.

B. OLD BUSINESS

C. NEW BUSINESS

ADJOURNMENT

NEXT REGULAR MEETING MAY 20, 2025

.....



THE ESSEX COUNTY UTILITIES AUTHORITY

The Leroy F. Smith Jr. Public Safety Building
60 Nelson Place, 6th Floor, Newark, New Jersey 07102
Tel. 973-793-9060 Fax. 973-792-9066
www.ecuanj.com



Commissioners

Caren Freyer, Vice Chair
Joseph S. Tyrrell, Treasurer
Jessica F. Battaglia
Quinzell R. McKenzie
Louis J. Stanzione

Victor A. Afanador
Chairman

Elmer J. Herrmann, Jr.
Acting Executive Director

February 18, 2025

Joseph N. DiVincenzo, Jr, County Executive
Essex County Hall of Records, Room 404
464 Dr. Martin Luther King Blvd.
Newark, New Jersey 07102

Res: ECUA Meeting of February 18, 2025

Dear. County Executive DiVincenzo:

Enclosed please find the minutes of the ECUA Meeting of February 18, 2025

The agenda for said meeting is attached hereto.

In Attendance

Commissioners

Victor Afanador, Chairman
Caren Fryer, Vice Chair
Joseph Tyrrell, Treasurer
Quinzell McKenzie
Louis Stanzione

Staff

Elmer J. Herrmann, Jr., Acting Executive Director
Bethany O'Toole, Chief Financial Officer
Paul Jemas, Special Counsel
Tom Barrett, Public Information Officer
Wayne DeFeo, Solid Waste Coordinator
Naomi Strumolo, Assistant Secretary

DISCUSSION AND ACTION ITEMS

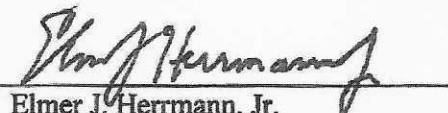
1. Approval of the minutes of the January 21, 2025, meeting. - Approved

2. **Res. # 02-25-12** Resolution of the Essex County Utilities Authority authorizing payment of bills from the Authority's Solid Waste Operating and Bond Accounts and Water System Project Note Accounts. - Approved
3. **Res. # 02-25-13** Resolution of the Essex County Utilities Authority designating Banking Institutions to serve as depositories for money received by the Authority- Approved
4. **Res. # 02-25-14** Resolution of the Essex County Utilities Authority establishing a meeting schedule for 2025. - Approved
5. **Res. # 02-25-15** Resolution of the Essex County Utilities Authority designating authorized newspapers for publications of official notices. - Approved
6. **Res. # 02-25-16** Resolution of the Essex County Utilities Authority authorizing the issuance of Bid Specifications and for the solicitations of Bids on behalf of the Authority for the provision of Transportation and Disposal of approximately 50,000 tons per year of Commercial Processible (I.D 10, 25 and 27) Solid Waste as an Emergency By-Pass Facility. - Approved
7. **Res. # 02-25-17** Resolution of the Essex County Utilities Authority authorizing the issuance of Bid Specifications and for the solicitation of Bids on behalf of the Authority for the provision of Transportation and Disposal of approximately 200,000 tons per year of Non-processible (Bulky Waste), I.D. type 13, 13C, 23 (Non-processible portion) and 27 (Non-recycled portion) Solid Waste generated in Essex County. - Approved
8. **Res. # 02-25-18** Resolution of the Essex County Utilities Authority concerning personnel matters. - Approved
9. **Res. # 02-25-19** Resolution of the Essex County Utilities Authority authorizing a closed work session from which the public is excluded. - 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

Kathy Brown, Deputy Clerk of the Board of County Commissioners
ECUA Commissioners

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REORGANIZATION MEETING
TELEPHONIC MEETING
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Newark, New Jersey

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B. OLD BUSINESS

C. NEW BUSINESS

ADJOURNMENT

.....
NEXT REGULAR MEETING TUESDAY MARCH 18, 2025
.....

Resolution # 04-25-20

**RESOLUTION OF THE ESSEX COUNTY UTILITIES
AUTHORITY RATIFYING PAYMENT OF INVOICES ON THE
MARCH BILL LIST**

WHEREAS, The Essex County Utilities Authority (the "Authority"), a public body corporate and politic of the State of New Jersey, organized and existing under ~~the~~ provisions of the Municipal and County Utilities Authorities Law (N.J.S.A. 40:14B-1 et seq.) has been heretofore created by the governing body of the County of Essex, New Jersey in order to, among other things, (a) acquire, construct, maintain and operate or contract for the operation of facilities for the collection, transportation, processing, recycling and disposal of solid waste generated within the County of Essex, New Jersey in an environmentally sound manner, and (b) acquire, construct, maintain, operate or contract for the supply and distribution of water within and without the County; and

WHEREAS, the March 18, 2025 Regular Meeting of the Authority was cancelled; and

WHEREAS, the Authority incurred costs and expenses due and payable in the month of December 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; and

WHEREAS, the Authority's staff prepared a bill list for invoices due and payable in December and the Authority authorized payment of invoices listed therein with the intention to ratify such bill list at the April 2024 meeting; now therefore,

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

Section 1. The Authority hereby ratifies the payment of invoices on the March 2025 bill list.

Section 2. This Resolution shall take effect immediately.

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua Res# 03/2025

March Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
PERSONNEL				
PAYROLL	01/07/2025 - 02/07/2025		Payroll #4	22,433.71
PAYROLL	02/08/2025 - 02/21/2025		Payroll #5	18,694.96
				\$41,128.67
PAYROLL FRINGE BENEFITS	01/25/2025 - 02/07/2025		Payroll #4	11,216.86
PAYROLL FRINGE BENEFITS	02/08/2025 - 02/21/2025		Payroll #5	9,347.48
				\$20,564.34
TOTAL (001):				\$61,693.01
ADMINISTRATIVE				
COFFEE LOVERS	11/2024	8400-RRF	Coffee Service	73.45
DOCUTREND IMAGING SOLUTIONS	02/2025	8400-RRF	Office Supplies & Stationary	121.44
ESSEX COUNTY (RENT)	03/2024	8100-RRF	Rent - March 2025	9,598.70
FEDERAL EXPRESS CORP.	02/2025	8000-RRF	Postage & Delivery	117.70
OPTIMUM BUSINESS\CABLEVISION	03/2025	8300-RRF	Internet Service	180.49
UNIVERSAL ACCOUNTING	03/2025	7260-RRF	Technical Support	3,250.00
UNUM	03/0225	7610-RRF	Employee L/T Disability Inc.	381.96
VERIZON	03/2025	8500-RRF	Telephone Service	79.94
TOTAL (002):				\$13,803.68
SYSTEM OPERATIONS				
COVANTA ENERGY	02/2025		Service Fee - RRF	2,325,647.38
WM CORP. SRVC. INC. (WASTE M	02/2025	6100-PSW	Service Fee - PSW	276,778.94
TOTAL (004):				\$2,602,426.32

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua Res# 03/2025

March Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
GRANTS				
DEFEO ASSOCIATES	02/2025	6600-SWS	Engineer - Recycling	3,720.30
WM. CORP. SRVC. INC.(WASTE MAN	02/2025	6470-SWS	County Recycling	2,755.07
TOTAL (005):				\$6,475.37
GRAND TOTAL:				\$2,684,398.38

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua # 03/2025

March Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
ADMINISTRATIVE				
MJG SERVICES, LLC	02/2025	6200-ADM	License Operator	1,500.00
UNIVERSAL ACCOUNTING	03/2025		Technical Support	250.00
TOTAL (002):				\$1,750.00
GRAND TOTAL:				\$1,750.00

Resolution # 04-25-21

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

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua Res# 04/2025
April Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
PERSONNEL				
PAYROLL	02/22/25 - 03/07/25		Payroll #6	18,694.96
PAYROLL	03/08/25 - 03/21/25		Payroll #7	18,694.96
				\$37,389.92
PAYROLL FRINGE BENEFITS	02/22/25 - 03/07/25		Payroll #6	9,347.48
PAYROLL FRINGE BENEFITS	03/08/25 - 03/21/25		Payroll #7	9,347.48
				\$18,694.96
TOTAL (001):				\$56,084.88
ADMINISTRATIVE				
BROADVOICE/SYNDEO LLC	03/2025	8500-RRF	Telephone Services	263.65
CIVICOM, INC.	03/2025	8500-RRF	Telephone Service	5.70
COFFEE LOVERS	03/2025	8400-RRF	Coffee Service	128.18
DOCUTREND IMAGING SOLUTIONS	02 - 04/2025	8400-RRF	Office Supplies & Stationary	85.14
ESSEX COUNTY (RENT)	04/2025	8100-RRF	Rent - April 2025	9,598.70
FEDERAL EXPRESS CORP.	03/2024	8000-RRF	Postage & Delivery	160.10
OPTIMUM BUSINESS/CABLEVISION	04/2025	8300-RRF	Internet Services	189.54
PITNEY BOWES	03/2025	8400-RRF	Stationary & Office Supplies	339.96
UNIVERSAL ACCOUNTING	04/2025	7260-RRF	Technical Support	3,250.00
W.B. MASON CO., INC.	03/2025	8400-RRF	Office Supplies & Stationary	580.53
TOTAL (002):				\$14,601.50
PROFESSIONAL SERVICE				
CHIESA SHAHINIAN & GIANTOMASI	02 & 03/2025	6500-RRF	Legal - General	4,080.00

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua Res# 04/2025

April Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
SYSTEM OPERATIONS				
COVANTA ENERGY	03/2025	6100-RRF	Service Fee - RRF	2,683,342.06
WM CORP. SRVC. INC. (WASTE M	03/2025	6100-PSW	Service Fee - PSW	318,016.35
TOTAL (003):				\$4,080.00
GRANTS				
DEFEO ASSOCIATES	03/2025	6600-SWS	Engineer - Recycling	2,423.34
WHITNEY PUBLISHING GROUP	03/2025	7000-SWS	Public Notice - HHW & CER Day	358.00
WORRALL COMMUNITY	03/2025	7000-SWS	Public Notice - HHW Day	650.00
TOTAL (004):				\$3,001,358.41
TOTAL (005):				\$3,431.34
GRAND TOTAL:				\$3,079,556.13

THE ESSEX COUNTY UTILITIES AUTHORITY

Ecua # 04/2025

April Bill List

Company / Firm	Service Date	G/L #	Purpose and/or Details	Amount
ADMINISTRATIVE				
MJG SERVICES, LLC	03/2024	6200-ADM	License Operator	1,500.00
UNIVERSAL ACCOUNTING SYSTEM	04/2024		Technical Support	250.00
TOTAL (002):				\$1,750.00
GRAND TOTAL:				\$1,750.00

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2024 has been filed by a Registered Auditor with the *Executive Director* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality and authority shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Essex County Utilities Authority*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT
THE MEETING HELD ON *APRIL 22, 2025*.

Executive Director

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *ESSEX*

We, members of the governing body of the *Essex County Utilities Authority* of, in the County of *Essex*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Essex County Utilities Authority in the county of *Essex*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Authority Audit filed with the Executive Director pursuant to N.J.S.A. 40A:5-6 for the year 2024;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(Victor Afanador, Chairman)

(Caren Freyer, Vice-Chairwoman)

(Victor Afanador, Secretary)

(Joseph Tyrell, Treasurer)

(Jessica Battaglia, Commissioner)

(Quinzell McKenzie, Commissioner)

(Louis Stanzione, Commissioner)

Sworn to and subscribed before me this
_____ day of _____

Notary Public of New Jersey

Executive Director

The Executive Director shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

Resolution # 04-25-24

**RESOLUTION OF THE ESSEX COUNTY UTILITIES
AUTHORITY AUTHORIZING THE EXECUTION AND
FILING OF AN APPLICATION WITH RESPECT TO A 2024
RECYCLING ENHANCEMENT ACT TAX FUND GRANT**

WHEREAS, in order to, among other things, provide for the provision of solid waste management services in a more effective and efficient manner, The Essex County Utilities Authority (the "Authority") has heretofore been created by ordinance of the County of Essex, New Jersey (the "County"), finally adopted on July 1, 1992, pursuant to and in accordance with the provisions of the Act, as a public body corporate and politic, with all necessary and proper powers to acquire, construct, maintain, and operate or contract for the operation of facilities for the collection, transportation, processing, recycling and disposal of solid waste generated within the geographic boundaries of the Essex County Solid Waste Management District in an environmentally sound manner; and

WHEREAS, by resolution duly adopted September 9, 1992, the Essex County Board of Chosen Freeholders assigned to the Authority its right, title and interest in all agreements, documents and/or regulatory orders previously executed by the County or relating to the Essex County Solid Waste Management District with respect to solid waste management, including but not limited to, the grant moneys received or to be received by the County from the State of New Jersey; and

WHEREAS, the County and the Authority entered into the Amended and Restated Agreement of Assignment, dated as of July 2, 1993, in order to effectuate the terms of the resolution adopted by the County on September 9, 1992 with respect to the assignment of solid waste activities and responsibility to the Authority; and

WHEREAS, on August 4, 1993, the Essex County Board of Chosen Freeholders adopted an amendment to the Essex County District Solid Waste Management Plan that designates the Authority as the implementing agency of the Plan as provided by the Act, which amendment was filed with the Department of Environmental Protection ("DEP") for certification and approved in accordance with the Act; and

WHEREAS, P.L. 2007c.311 provides for the disbursement of moneys from the Recycling Enhancement Act Tax Fund by the Commissioner of the DEP to

Counties for the purpose of preparing, revising and implementing solid waste management plans; and

WHEREAS, the Authority, as assignee of the rights of the County to receive such moneys, desires to execute and file an application for the receipt of a 2024 Recycling Enhancement Act Tax Fund Grant; now therefore,

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

Section 1. Application is hereby authorized to be made to the Commissioner of the DEP for a disbursement from the Recycling Enhancement Act Tax Fund in the amount of \$ 615,600.00

Section 2. The Solid Waste and Recycling Coordinator of the Authority is hereby authorized and directed to (a) execute and file an application with the Commissioner of the DEP with respect to such grant, (b) execute any contracts evidencing such grant, and (c) act as the authorized representative of the Essex County Solid Waste Management District. The Authority's staff is authorized to provide additional information and to furnish such documentation as may be required by the DEP to act upon such application.

Section 3. The Authority does hereby hold the State of New Jersey, and its departments and agencies, harmless for any damages, losses and claims, which may arise directly or indirectly from the execution of the grant application and disbursement of the grant proceeds.

Section 4. The Authority hereby accepts the terms and conditions set forth in the Solid Waste Management Act and the regulations promulgated under it.

Section 5. This Resolution shall take effect immediately.

**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.