

RESOLUTION NO. 83-2011

RESOLUTION OF THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY
APPROVING A REVISED FIRST AMENDMENT TO THE
MUNICIPAL WASTE DISPOSAL AGREEMENT BETWEEN
THE AUTHORITY AND THE UNION COUNTY UTILITIES AUTHORITY

WHEREAS, the Union County Utilities Authority ("UCUA") and the Plainfield Municipal Utilities Authority ("PMUA") are parties to a Municipal Waste Disposal Agreement dated as of July 15, 1998 (the "Local Waste Agreement") which provides for the long-term disposal of solid waste collected by or on behalf of the PMUA at the Union County Resource Recovery Facility (the "Facility"), located in Rahway, New Jersey and which is owned by the UCUA; and

WHEREAS, the Facility is leased to, and is operated by, Covanta Union, Inc. ("Covanta"), formerly known as Ogden Martin Systems of Union, Inc. ("Ogden Martin"), and the UCUA and Covanta are parties to a series of interconnecting agreements which among other things, provide for the lease and long-term operation of the Facility by Covanta; and

WHEREAS, on March 15, 2011, by Resolution No. 19-2011, the Authority approved a First Amendment to the Local Waste Agreement; and

WHEREAS, subsequent to that approval, the UCUA and Covanta engaged in further negotiations in response to certain issues raised by the N.J. Department of Environmental Protection, and have agreed to certain further modifications to the various agreements among the Parties, including a reduction in the previously negotiated extension of the term of their contractual arrangement; and

WHEREAS, the Agreement will still result in certain financial and other benefits relative to the continued operation of the Facility and disposal rates for solid waste generated within the County; and

WHEREAS, the UCUA has approached the Authority with respect to the recent modifications and have again offered the Authority an opportunity to share in these benefits negotiated with Covanta, most significantly of which includes an immediate decrease in the rate for the disposal of solid waste collected by or on behalf of the Authority by a minimum reduction of \$12.00 per ton; and

WHEREAS, the UCUA has advised that it is necessary for the Authority to approve a revised amendment to the Local Waste Agreement (the "First Amendment") and execute same, in order to memorialize the benefits to be realized by the Authority, make various conforming and other minor amendments, and to reaffirm the Authority's commitment to utilize the Facility and the guaranteed delivery of solid waste at the revised tonnage levels set forth by the Authority, which levels may be subsequently increased by the Authority in writing at certain designated intervals; and

WHEREAS, it is the desire of the Authority to approve the revised First Amendment in substantially similar form as attached hereto.


NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY, that the First Amendment as revised, in substantially similar form as attached hereto, is approved and the Board of Commissioners, and the Executive Director is hereby authorized and directed to execute same; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

RECORDED VOTE:

REGULAR MEMBERS	YES	NO	ABSTAIN	NOT PRESENT	ALTERNATE PRESENT NOT VOTING
Carol Ann Brokaw	X				
Rev. Tracey Brown	X				
Harold Mitchell	X				
Alex Toliver	X				
ALTERNATE MEMBERS					
Eugene Dudley (#2)	X				

The following Resolution is a true and complete copy of a Resolution of the Plainfield Municipal Utilities Authority adopted at the Regular Meeting thereof duly called and held on Tuesday, November 8, 2011.



 CAROL ANN BROKAW, SECRETARY