**BOARD OF CHOSEN FREEHOLDERS**
**COUNTY OF HUDSON**
**ORDINANCE**

**No.** 51-1-2020

**On Motion of Freeholder** Walker
**Seconded by Freeholder** Kopacz

**AN ORDINANCE AMENDING**
**THE HUDSON COUNTY DISTRICT**
**SOLID WASTE MANAGEMENT PLAN**

**********

**INCORPORATING NEW CONTRACTS**
**FOR SOLID WASTE DISPOSAL SERVICES**
**WITH ADVANCED ENTERPRISES RECYCLING,**
**INC. AND FACILITIES OWNED AND OPERATED**
**BY ADVANCED ENTERPRISES RECYCLING, INC.**
**IN THE CITY OF NEWARK FOR THE DISPOSAL OF ALL**
**PROCESSIBLE AND NON-PROCESSIBLE SOLID WASTE**
**GENERATED WITHIN THE COUNTY OF HUDSON**
**********

**WHEREAS,** pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the County of Hudson is a designated Solid Waste Management District and, in accordance with law, the Board of Chosen Freeholders adopted the Hudson County District Solid Waste Management Plan ("County Plan") on April 26, 1979, pursuant to Ordinance No. 167-4-1979, which has been amended from time to time by the Board; and

**WHEREAS,** by Ordinance No. 423-11-1985, the Board designated the Hudson County Improvement Authority as the County Plan's implementing agency; and

**WHEREAS,** the Authority, at its public meeting of January 8, 2020 duly enacted its Resolution No. 1-2020-8 under the caption:

**RESOLUTION OF THE**
**HUDSON COUNTY IMPROVEMENT AUTHORITY**
**RECOMMENDING AN AMENDMENT TO THE HUDSON**
**COUNTY DISTRICT SOLID WASTE MANAGEMENT**
**PLAN TO INCORPORATE NEW CONTRACTS**
**FOR SOLID WASTE DISPOSAL SERVICES**

**WHEREAS,** the above referenced Authority's resolution is now on file with the Clerk of this Board of Chosen Freeholders and available for public inspection, and further, it is made part of this Ordinance by reference; and

**WHEREAS,** it is the recommendation of the Authority to this Board of Chosen Freeholders that the County Plan be amended to incorporate contracts with Advanced Enterprises Recycling, Inc. to provide disposal services for all Processible Waste as of July 1, 2020, and Non-Processible Waste as of December 1, 2020, generated within the County; and

**WHEREAS,** the Authority further recommended to this Board of Chosen Freeholders that the County Plan be amended to include the disposal facilities owned and operated by Advanced Enterprises Recycling, Inc., 540 Doremus Avenue, Newark, New Jersey; Block 5070, Lots 41, 43, and part of 25, as the facilities to which all Processible Waste as of July 1, 2020 and all Non-Processible Waste as of December 1, 2020 are to be directed for recycling and disposal pursuant to regulatory waste flow control as a result of the open, competitive, non-discriminatory and constitutionally-permissible procurement conducted by the Authority, consistent with Atlantic Coast and Solid Waste Disposal Services Agreements entered into by the Authority and Advanced Enterprises Recycling, Inc., pursuant to and in accordance with the Local Public Contracts Law.

**NOW, THEREFORE BE IT ORDAINED,** by the Board of Chosen Freeholders of the County of Hudson, that:



1. The aforesaid recitals are incorporated herein as though fully set forth at length.

2. The inclusion in the County Plan of contracts with Advanced Enterprises Recycling, Inc. for the provision of disposal services for all Processible Waste as of July 1, 2020, and Non-Processible Waste as of December 1, 2020, generated within the County and the inclusion of the disposal facilities owned and operated by Advanced Enterprises Recycling, Inc., 540 Doremus Avenue, Newark, New Jersey; Block 5070, Lots 41, 43, and part of 25, as the facilities to which all Processible Waste as of July 1, 2020 and all Non-Processible Waste as of December 1, 2020 are to be directed for recycling and disposal pursuant to regulatory waste flow control as a result of the open, competitive, non-discriminatory and constitutionally-permissible procurement conducted by the Authority, consistent with the decision of the Third Circuit Court of Appeals in Atlantic Coast Demolition & Recycling, Inc. v. Board of Chosen Freeholders of Atlantic County, 48 F.3d 701, (3d Cir. N.J.) (1995) and Solid Waste Disposal Services Agreements entered into by the Authority and Advanced Enterprises Recycling, Inc., pursuant to and in accordance with the Local Public Contracts Law, as prepared and recommended by the Hudson County Improvement Authority, is hereby adopted for inclusion as an Amendment to the County Plan.

3. The name and address of the Hudson County District Solid Waste Coordinator is Norman M. Guerra, Chief Executive Officer c/o Hudson County Improvement Authority, 830 Bergen Avenue, Ninth Floor, Jersey City, New Jersey 07306.

4. A copy of the this Ordinance, Hudson County Improvement Authority Resolution No. 1-2020-8, together with a copy of the plan amendment shall be available for public inspection at the offices of each Municipal Clerk in the County of Hudson, at the office of the Clerk of the Board of Chosen Freeholders of the County of Hudson, and at the Offices of the Hudson County Improvement Authority, 830 Bergen Avenue, Ninth Floor, Jersey City, New Jersey 07306, during regular business hours. Copies shall also be available on the Authority's website at: www.hcia.org

5. A copy of this Ordinance shall be forwarded to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, and the Hudson County Improvement Authority, and the Clerk of the County of Hudson.

| Freeholder | Aye | Nay | Abst | N.P. | Freeholder | Aye | Nay | Abst. | N.P. |
|---|---|---|---|---|---|---|---|---|---|
| Walker | ✓ | | | | Cedeño | ✓ | | | |
| Cifelli | ✓ | | | | Rodriguez | ✓ | | | |
| Kopacz | ✓ | | | | Romano | ✓ | | | |
| Torres | ✓ | | | | Chairperson Vainieri | ✓ | | | |
| O'Dea | ✓ | | | | | | | | |

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the 23 day of January A.D. 2020, the foregoing Ordinance was introduced with members 9 voting in the affirmative and 0 in the negative.

_____, Clerk

**APPROVED AS TO LEGAL FORM**
**BY:**
**DONATO J. BATTISTA**
**HUDSON COUNTY COUNSEL**
**Source: Hudson County Improvement Authority**