

**SEPTEMBER 16, 2013 REGULAR BOARD MEETING MINUTES**

**ULSTER COUNTY RESOURCE RECOVERY AGENCY**

**MINUTES OF THE REGULAR BOARD MEETING**

September 16, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on September 16, 2013 at 999 Flatbush Ave, Town of Ulster, NY.

The proceedings were convened at 5:00 pm.

The following Board members were present: Chairman Leon Smith, Treasurer Al Teetsel and Member Charles Landi and Dominic Tagliafierro. Catherine Nilsen was absent.

Also present were: Timothy Rose, Executive Director; Counsel / Secretary Kenneth Gilligan; Controller Tim DeGraff; Operations Manager, Charles Whittaker and Confidential Executive Secretary, Kelly Utter. Michelle Bergkamp was absent.

**PUBLIC COMMENT**

Leon Smith opened up the meeting for Public Comments.

Supervisor Chipman, Town of Rochester, stated that as President of Ulster County Association of Town Supervisors and Village Mayors, he knows it is budget time for the Agency as well as for the Towns. He hopes that the Agency will hold as much restraint as possible with regards to raising the rates for the Towns. Reminding the Agency that we are under a 2% tax cap as well as being unaware of the sales tax. We also don't know if the county is going to continue taking over the safety net.

Legislator Parate, regarding the Minutes of the August, he believes his one remark was that he wished we hadn't changed the time of the meetings, the Minutes reflect that he felt it was a good idea to change the time of the meeting. The Minutes of August Meeting was amended.

In April the Agency voted on a Resolution regarding moving the legislature and the RRA together, to work together, regarding bonding over 500,000. Parete stated that he had put together a Resolution for the legislature to form a committed to work with the RRA and just recently it was voted down, he stated that he Legislature doesn't want to deal with the RRA. He wanted to thank the Board of Directors for their efforts to reach out to the Legislature. For moving forward and taking the step.

Leon Smith closed the Public Comments section of the meeting but holds the right to reopen it in case Mr. Bonfiglio shows up and wishes to speak.

**CHAIRMANS COMMENTS**

Leon Smith opened Chairman's Comments.

Would like to follow up with what John Parate said. The Board did put our hand out there and offered. Leon Smith went to Legislator Roberts Committee and discussed it. Everyone at the committee thought it was a good idea. Then it got turned down over to the Environmental Committee. It's been hanging around since May. We passed our Resolution on May 20<sup>th</sup>.

Ken Gilligan wanted to add that he did receive a phone call from Legislative Attorney Chapman last week reiterating that they were still considering it but were waiting for the letter that was sent from the County

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Attorney to the Bonding council as to whether or not it was a proper thing to do. And they hadn't received a reply from them yet. This was prior to the meeting of the Legislature.

### **APPROVAL OF MINUTES**

The minutes of the August 19, 2013 Regular Board Meeting, as amended, were moved by Leon Smith and seconded by Charles Landi. Four in favor. None opposed. One absent (Nilsen). The minutes of the August 19, 2013 Regular Board meeting were unanimously approved.

### **COMMUNICATIONS AND ANNOUNCEMENTS**

A Public Hearing has been scheduled for Tuesday, October 15, 2013 at 12:00pm.

Leon Smith said that although the next Regular Board Meeting is due to revert back to the 3:30pm start time, he would like to request that it be held at 5:00pm so that Catherine Nilsen can attend, being that it is her that is affected the most by the time change.

Charles Landi moved, Dominic Tagliaferro seconded. Four if favor. None opposed. One Absent (Nilsen).

The next Regular Board Meeting will be held on Monday, October 21, 2013 at 5:00pm.

### **GENERAL REPORTS**

#### **MSW**

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The MSW tonnage in was 11,576 which is 1,274 tons less than the projected tonnage of solid waste for August 2013. The Sludge tonnage in was 325 which is 106 tons less than the projected tonnage of sludge.

#### **RECYCLING TONNAGE**

The Recycling tonnage report, looking back at last August for commingle we did 146 and this year we did 128. Glass was 59 and this year it is 38, mixed news was 212 and is now 145. Single stream was 396 and now it is 622. Single stream is up because the commodities are down and the haulers don't want to hold onto it, so they bring it to us. The OCC was at 343 and is now 236.

#### **COMMODITY REPORT**

Tim Rose noted the commodity report in the Board packet. He reminded the Board that NR means the Agency did not receive a return phone call.

Leon Smith moved. Dominic Tagliaferro seconded. Four in favor. None opposed. One absent (Nilsen).

#### **LEACHATE COLLECTION**

The leachate collection report, in July of last year for Ulster we did 49,000 and this year we did 133,000. In New Paltz we did 56,000 last year and 126,000 for this year.

#### **RECYCLING PROGRAM UPDATE**

Michelle Bergkamp was not present at the meeting. A Recycling Program Update (report) was provided in the Board packet.

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### FINANCIAL MATTERS

The July Treasurers Report wasn't approved last month because we had the potential for changes; nothing changed among the hauling and disposal lines, but when Tim DeGraff was putting together the August report he noticed that we had the bill from Clean Harbors and technically that was an expense for July. Not wanting to misrepresent August and July, the expense for Clean Harbors was moved to the July report.

Leon Smith moved to accept the August report. Al Teetsel seconded. Four in favor. None opposed. One Absent (Nilsen)

For the month of August we had a slight drop in MSW tons 11,576, same with sludge 325, Total revenue for the month was \$1,345,999, sale of recyclables were up \$70,158 and that was because we had about \$14,000 in sales of plastic loads that happened in August which you will see on the MRF P&L.

On the expense side we had \$236,536 for personnel costs because it was a 3 payroll month in August. Our fuel replenishment line, you will see that our volume down but our fuel replenishment is up. The reason for that is due to our major haulers falling behind in their allotted fuel. We contacted them with a formal letter informing them with a set day that they needed to get caught up by. This expense is actually hitting in August.

There is an estimate in the MSW hauling because we are still waiting for some tickets we haven't received from MBI, but that number should be pretty close. For the month, our net operating revenue was \$279,308. We have Capital outlay for the month; we had the retro fit of the UTS outbound scale which was \$17,000 and we also had our lease payment for the second Volvo, about \$44,000. We made our final debt service payments for the year \$185,001. For the first time since Tim DeGraff has been at the Agency, the month of August is in the positive, \$32,434. The debt service payment would always put the monthly fund balance in the negative.

Year to date we are at a deficit of \$1.394 million, but he did want to point out that if you look at the difference between 2013 ytd and 2012, you see the difference is 1.4 million and that is what the net service fee was the year prior to. We are operating a lot better, and the fact that we are having a better year financially with less volume would show that flow control is working from a financial standpoint.

### ADMINISTRATIVE MATTERS

#### **Resolution No. 2308 Re: Authorizing the Agency to Set a Rental Fee for the Agency's Horizontal Grinder**

This resolution authorizes the Executive Director to enter into rental agreements with the Ulster County Towns for the use of the Agency's Peterson 4600B Horizontal Grinder.

The Agency has rented out for use to the towns the Peterson 4600B Grinder. No private work is done with the Grinder. Usually we bring this resolution up around the March, April time frame, but this year we would like to set up the fees for the following year around the same time as the Budget so that we can include these fees in the letters that go out to the Towns in the next couple of days.

Leon Smith moved to the floor Resolution No. 2308; Motion to approve was made by Leon Smith and seconded by Al Teetsel. Four in favor. None opposed. One absent (Nilsen).

### OLD BUSINESS

Leon Smith stated that the Agency passed resolution No. 2298 on May 20, 2013. Leon Smith doesn't know how this board feels but he feels that we should rescind it and then let the county move forward they way they to and then let them approach us.

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Charlie Landi asked, from a legal standpoint, is that what we should do since they are looking into it. Ken Gilligan noted that the County has already voted it down.

Ken Gilligan stated that he can prepare a Resolution to rescind Resolution No. 2298. It was decided by the board that a letter would be drafted of the Agency's intentions and it would be sent to the County.

Leon Smith spoke about the maps that Charlie Landi had received from the County. The Agency received a phone call asking them to pay for the maps. Charlie Landi asked for the documentation stating that the Agency needed to pay for the maps.

Charlie Landi said that when he requested the maps he was told that there would be no charge for them and if there would be, he would return the maps. He was told no, that the Agency could keep the maps. Charlie read from a letter that stated that the decision was made to waive the fees outlined in Invoice No. 20240 forwarded for payment to the RRA on 1/8/13 and that the Agency could keep the maps. Charlie felt that the Board should send the County the letter that he read from. Leon said that they already had it and they changed the decision and felt the Agency should pay for the maps. Leon Smith said that for \$156, the Agency should pay for the maps. Dominic Tagliaferro has never seen the maps and was not on the Board at the time that the maps were requested. He would like to review them and discuss this at the next Board Meeting.

Charlie Landi offered to return the maps to the County. Leon wanted to get an answer as to whether or not the Agency is going to pay or not pay for the maps. Charlie Landi wanted to speak with Mike Hein regarding the maps.

Ken Gilligan recommends that the Agency pay the invoice and let the County rescind receipt of the payments.

The maps outline parcels in Ulster County larger than 200 acres that would also qualify as a landfill.

Charlie Landi went to the County to get the maps and had said that if there was a charge for the maps then he would not get them. He was told that there was no charge if they are for the RRA. Leon Smith said that the Agency didn't ask Charlie Landi to get the maps.

Al Teetsel feels that we should go on the advice of Counsel.

A vote was called on whether or not to make payment on the Invoice.

Smith voted to pay, Teetsel voted to pay under Ken Gilligan's terms, Tagliaferro abstained and Landi voted no.

Leon Smith told Charlie Landi to take the maps since they were not the property of the Agency until the issue is resolved.

### NEW BUSINESS

Tim Rose wanted to let the Board know that the Agency would need to do a partial floor replacement of the Ulster Transfer Station that is required by the DEC but we will know more about that at the next Board Meeting as some more tests need to be done to determine the amount of the floor that needs to be replaced.

**MOTION** to enter into **EXECUTIVE SESSION** at 5:50pm to discuss the Status of Negotiations under the Taylor Law was made by Leon Smith and seconded by Charles Landi. Four in Favor. None opposed. One Absent (Nilsen).

**MOTION** to **ADJOURN** the August 19, 2013 Regular Board Meeting at 6:02pm was made by Al Teetsel and seconded by Charles Landi.

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AYES   4        NAYS   0        ABSENT   1   (Nilsen)

The above transcribed Minutes of the September 16, 2013 Regular Board Meeting were moved by Al Teetsel and seconded by Charles Landi. Five in favor, none opposed. The Minutes were           **UNANIMOUSLY**           **APPROVED** by the Board.

Date: October 21, 2013