

ULSTER COUNTY
RESOURCE RECOVERY AGENCY

BY-LAWS FOR USE OF FACILITIES

AMENDED INTERIM BY-LAWS FOR USE OF FACILITIES OF
THE ULSTER COUNTY RESOURCE RECOVERY AGENCY
INCLUDING FINANCIAL, CREDIT, INVOICING AND ACCOUNT PRODEDURES

1. The Ulster County Resource Recovery Agency hereby amends the Interim By-Laws of the Ulster County Resource Recovery Agency which were originally effective April 1, 1993.
2. The Ulster County Resource Recovery Agency incorporates by reference into the Amended By-Laws, the permit application procedures promulgated by the County of Ulster Health Department for Solid Waste Haulers as Part C of the Interim By-Laws Transfer Station Facilities of the Ulster County Resource Recovery Agency.
3. These Amended Interim By-Laws shall be effective August, 1997.

Authority: Public Authorities Law, Section 2050-e(10)

Date: August 1997
Kingston, NY 12401

Michael Bemis
Executive Director
Ulster County Resource
Recovery Agency

AMENDED
INTERIM BY-LAWS
ULSTER COUNTY RESOURCE RECOVERY AGENCY

TABLE OF CONTENTS

PART A	FACILITY USE REQUIREMENTS
Section 1.0	General
Section 2.0	License Required
Section 2.1	Application Procedure
Section 2.2	Application Approval Process
Section 2.3	Revocation of License
Section 3.0	Denial of Access
PART B	FINANCIAL PROCEDURES
Section 1.0	Billing, Credit, Invoicing and Accounting
Section 1.1	General Procedures
Section 1.2	Calculation of User Fees
Section 1.3	Late Charges
Section 1.4	Additional Penalties
Section 1.5	Normal Credit Terms
Section 1.6	Credit Procedures
Section 1.7	Agency Accounting Procedures
Section 1.8	Reports
Section 1.9	Budgeting
Section 1.10	Audit
PART C	ULSTER COUNTY HEALTH DEPARTMENT SOLID WASTE HAULER PERMIT PROCEDURES (Incorporated by Reference)
APPENDIX ONE	License Application Packet
APPENDIX TWO	Credit Application

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FOR USE OF AGENCY FACILITIES
PART A

Facilities Use Requirements

1.0 General

The Agency has established two Regional Transfer Stations and a Materials Recovery Facility to receive Solid Waste generated in Ulster County. These Regional Transfer Stations are referred to as the “Facility” of “Facilities” herein. They are:

1. New Paltz Regional Transfer Station, Clearwater Road, New Paltz, New York
2. Ulster Regional Transfer Station, Route 32, Ulster, New York

2.0 License Required

No one may dispose of solid waste at the Facilities until a license to do so has been granted by the Agency Executive Director. No person may dispose of solid waste at the Facilities unless permission is granted by the Executive Director.

2.1 Application Procedure

Any person seeking a license shall obtain a licensing packet from the Agency. The license application, in the form annexed hereto, must be submitted to the Agency, attention of the Executive Director.

2.2 Application Approval Process

The Executive Director shall approve or deny all applications for a license within ten (10) business days of receipt of a complete application. If an application is denied, the Executive Director shall provide the reasons for denial.

2.3 Revocation of License

The Executive Director shall have the power to revoke any license on the following grounds,

- (i) The licensee has violated the terms of the by-laws of the Agency, including specifically Part B of the by-laws;
- (ii) The licensee has violated or has been served with a notice of violation of the Solid Waste permit granted by the Ulster County Health Department; or

(iii) Licensee has violated or been served with a notice of violation of the Ulster County Mandatory Source Separation Law;

(iv) The licensee has violated or been served notice of violation of the provisions Federal or State law, rule or regulation applicable to the collection, transportation and disposal of Solid Waste.

Before revoking a license, the Executive Director shall first serve notice of revocation of the licensee. The Executive Director shall provide the licensee with an opportunity to respond to the notice of revocation. Such response may be in the form of a written documentary submission and/or a hearing before the Executive Director. Any response to the notice of revocation must be received within (30) days of the mailing of the notice of revocation. The Executive Director must hold the hearing within fifteen (15) business days of the request for same. Revocation of the license will not become effective unless and until such documentary submission or hearing has been held.

The Executive Director shall provide the licensee with written notification of revocation of the license and the reasons therefore.

3.0 Denial of Access

The Executive Director may deny any licensee access to the Facilities if the Facilities if the Executive Director, upon due investigation, determines that the licensee has violated any provision of these by-laws, including, specifically, Part B hereof.

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ULSTER COUNTY RESOURCE RECOVERY AGENCY
FOR USE OF AGENCY FACILITIES

PART B

Financial Procedures

1.0 Billing, Credit, Invoicing and Accounting

1.1 General Procedures

The Agency has the responsibility to set fees for the use of Agency facilities and to bill and collect from users of these facilities

All revenues and other monies received by the Agency will be deposited daily into the Agency's account and transferred to the Operating account at a local bank. Within four weeks of receipt, a portion of these revenues are transferred into accounts established under the Escrow Agreement. The Agency may withdraw money from the operating account from time to time to pay operating expense.

1.2 Calculation of User Fees

User fees are determined by the amount of waste delivered at each facility times the tipping fee. The tipping fees are determined by Agency resolutions on a periodic basis. Each vehicle is weighed upon entering and exiting the facility site (in some cases the tare weight stored in the computer is used). As each vehicle crosses the inbound scale, the scale operator enters the identification number and any additional required data into the computer. Upon crossing the outbound scale, the computer will calculate the net weight of material delivered, stores this information, and prints out a delivery ticket, or receipt, showing the date, time and amount of waste delivered. The computer will accumulate records or deliveries from each user on a semi-monthly basis. The billing cycle is the last day of each month, invoices are prepared for each user covering waste delivered during the previous month. Payment of invoice is due upon receipt.

1.3 Late Charges

Late charges for overdue tipping fee payments will be assessed and paid if the Agency has not received the full amount of any payment required for tipping fees charged by the end of 30 calendar days from the invoice date. The amount of this late charge will be 1.5% per month of the overdue amount.

1.4 Additional Penalties

If an invoice is not paid within 30 days of the invoice date, the user is notified that s/he may be barred from the Agency's facilities until arrangements are made to have the account settled.

1.5 Normal Credit Terms

Normal credit terms are net 30 days of the invoice date. However, in the case of new facility users, or users with a history may impose stricter terms.

1.6 Credit Procedures

1. Customer applies for credit by filling out a credit application;
2. Upon receipt of credit application, the company is checked out through Dunn and Bradstreet. If the company is not listed with Dunn and Bradstreet, the Agency checks out the references supplied on the credit application;
3. The credit application includes a personal and corporate guarantee of which one must be signed. If the customer does not want to sign a guarantee and credit reports are good to excellent, the Agency will accept a signature as an officer of the company. If, however, the company does not check out as good to excellent, the Agency will insist on a guarantee. If the customer still refuses to sign, the Agency may refuse credit terms or allow only limited credit terms;
4. A decision is then made on whether or not to grant credit, and if granted, how much and the terms of the credit, and the customer will be notified by the Agency.

This decision is based on certain criteria such as age of company, recent payment history, payment trends which are available from D&B, bank references, references from other Solid Waste facilities, and high credit granted by other companies.

The decision is made by the Executive Director after reviewing the applicant's credit information. He may consult with the Finance Committee. The decision is reduced to writing and given to the credit department. At the next Finance Committee meeting, the decision is discussed and reviewed.

A letter is sent notifying the customer of the determination on credit terms established responsibilities.

5. The Agency then implements instructions to set up the customer account. The Controller is responsible for setting up the account on the Scalehouse computer, entering the maximum tonnage credit limitation, and any other computer restrictions. He is also responsible for entering any Special Credit Terms Log and notifying all Scalehouse personnel of the new customer and special terms.

If the account is delinquent and the Agency turns the account over to legal counsel for handling, the customer will be responsible for all reasonable attorney's fees, even though no legal action is commenced, as well as the costs of any legal action.

6. If a customer goes over the maximum tonnage credit, or has a credit hold on his account, the computer will display a message on the Scalehouse computer screen when the operator tries to enter a transaction for this account number. The transaction cannot be completed. The Scalehouse operator will abort the transaction, tell the driver the circumstances and to pull over to the side of the road while he calls the credit department for instructions. The operator will then communicate these instructions to the truck driver.

If the customer's credit hold was previously satisfied, or a decision is made to allow the transaction, the computer block will be removed. Only the Executive Director is authorized to remove or change computer credit blocks.

The credit department gives approval or disapproval depending on the current situation. If the situation brings a past due balance, the credit department will notify the business, by phone, in attempt to collect all past due monies. Depending on the situation and after consultation with the Executive Director, the customer is then notified as to what the current status of the account is. In some cases, the customer will be allowed to use the facilities and then get a payment from the business and bring it back to the facility. In some cases however, a business will not be allowed to use the facility until payment is received.

If the customer has been barred from the Facility for any reason, permission to tip can only be given by the Executive Director or his designee.

7. These procedures do not apply to governmental customers.

1.7 Agency Accounting Procedures

The computer system is utilized to maintain billing, recordkeeping and accounting for the Agency. The Business Office contains a remote terminal of the Scalehouse computer. This remote terminal allows access to all scale data and performs processing invoices and payments. The accounting programs include the following:

- Recording and invoicing for all Solid Waste deliveries;
- Preparation of budgets and comparison of other operating expenses to budgeted allowances.

1.8 Reports

Various reports will be prepared through the Scalehouse computer to assist the accounting operations. These reports are as follows;

- Daily Chronological Report:
List of each transaction with the same information that is printed on the delivery ticket (excluding the customer's address);
- Bi-weekly Account Summary:
List of transactions by account;
- Daily Vehicle Log:
List of information for each vehicle including number of loads, total net weight, total charges and grand totals;
- Monthly Recovered Material Summary:
List of the number of loads, net weight and total charges for each recovered material type removed from the site.

A copy of each delivery ticket is delivered to the business office by the Scalehouse operator at the end of each business day. All transaction data is transferred to permanent storage daily. Invoices to haulers are computed from the summary of delivery ticket records.

1.9 Budgeting

The Agency operates on a fiscal year which coincides with the calendar year. Under the terms of the Enabling Act and agreements with the County, the Agency must annually establish a tipping fee at a level which will produce sufficient revenues to meet the following requirements for the ensuing fiscal year. Under the Solid Waste Management Agreements, the Agency must establish the tipping fee with certain guidelines and procedures.

1.10 Audit

Following the end of the Agency's fiscal year, all records and with tickets will be audited by a firm of independent public accountants. All facilities transactions will be audited as part of the annual audit.

INTERIM BY-LAWS
ULSTER COUNTY RESOURCE RECOVERY AGENCY
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PART C

ULSTER COUNTY HEALTH DEPARTMENT
WASTE HAULER PERMIT PROCEDURES

Section 1.0

Permit Procedures

Section 1.1

Incorporation by Reference

The permit procedure of the Ulster County Department of Health for Solid Waste Haulers are incorporated herein by reference.