

AUGUST 19 2013 REGULAR BOARD MEETING MINUTES

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

August 19, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on August 19, 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, Vice Chairman Catherine Nilsen, Treasurer Al Teetsel and Member Charles Landi. Member Dominic Tagliafierro was absent.

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

PUBLIC COMMENT

Leon Smith opened up the meeting for Public Comments.

Legislator Carl Belfiglio said that he wanted to continue to pursue some kind of dialogue between the Legislature and this committee (Agency Board of Directors). The Agency Board only meets once a month, he doesn't know how business gets done between the board meetings, through email or phone, but once a month you meet and when the public comes to speak, it is before, at the beginning of the meeting and there are no discussions during the meeting. He compares the Agency to town meetings where they will have two meetings, generally, one during the month where they are going to discuss what they are going to do at the board meeting. And that gives the public an opportunity to find out what is going to be discussed during the Board Meeting. He just doesn't really want to let go the thought of a Legislative Liaison.

He was hoping to see a draft budget on the 15th of the month but he didn't get it until the 29th (of July). He understands that it is a draft, draft budget. He does see on a couple of lines where he has questions and he thinks some of the fellow legislators would have questions they want answered. He understands that the Agency Board may feel that the EET committee is breathing down their necks but he is inviting them to attend the next meeting which is the 5th of September so that if there are any questions, they can then ask at that time.

Legislator Kevin Roberts wanted to commend the Board and the employees at the Resource Recovery Agency for doing an excellent job. He stated that the Board Members have probably the toughest volunteer Board in the county and you seem to take the most heat. He stated that everyone knows him and that he isn't a big spender but the thought should be made to compensate the next board with a small salary, maybe \$750 for a member and \$1000 for the chairman and maybe they would be more willing to do a couple of workshops a month. He stated that he knows that Leon Smith travels a great distance to attend the Board Meetings.

Regarding the Budget, Legislator Roberts stated that he hasn't seen it or looked it over like the oversight chair has but he knows that the Agency puts together an excellent budget every year and he is sure that he will be ok with it.

Legislator Roberts stated that he used to be chair of the RRA board and the July 15th deadline that Legislator Belfiglio made mention to was an imaginary deadline, they (the board) didn't even know that it existed. In the future, perhaps that contract can be changed to reflect September 1st or 15th to more coincide with the County budget.

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Legislator Mary Beth Maio wanted to thank the board for changing the meeting times from 3:00 to 5:00.

Legislator John Parete, regarding the Agency voting 4 to 1 on the resolution regarding the appointment of a legislator to the Agency Board; he wanted the Board to know that he agrees with that decision. All Board members were appointed to the Board by the legislature and they are doing a good job. Legislator Parete mentioned another county Agency that revamped their structure and one decision they made was that no elected officials would sit on the Board.

The one thing that he is concerned with, when flow control went through, it was stated that "only the users shall pay". While taking note to surplus being applied to the budget, this was not generated by the users, but was generated by the taxpayers of Ulster County. He says there is no way that surplus could have been built up by the Agency because the Agency has always operated at a negative balance.

He also mentioned that he noticed the tonnage is down by 8 or 9 thousand tons, if that keeps going, he is wondering what the tipping fees will be. Will that just be going up?

AMENDED - > Legislator Parete feels that it wasn't good that the Agency Board changed their meeting times.

He asked about the maps made regarding landfill sighting. Who paid for them and what counties were involved? He would like to see the maps because he knows of some people who are concerned as to where these locations are. If he needs to submit a foil request, he will.

Leon Smith thanked everyone for their comments and said the board would take them into consideration.

Charles Landi asked to clarify the information regarding the maps. When the maps were suggested, there was no charge and the county (Ulster County Information Services) made up five copies showing 93 - 200 acre parcels in Ulster County. At this point, Charlie Landi realized that Legislator Parete left and there was no need to continue his discussion. Leon Smith did note that the maps are in the Agency hands and they belong to the Agency.

Ken Gilligan addressed the July 15th date regarding the budget. When the contract was made, it was a different form of government. Carl Belfiglio says he feels that the contract needs to be reviewed.

Leon Smith closed the Public Comments section of the meeting.

CHAIRMANS COMMENTS

Leon Smith opened Chairman's Comments and Charlie Landi interrupted with wanting to clarify information on the Budget because there seems to be some confusion and even he himself is confused on it. Once it is passed, can it be revisited? Leon stated yes, it can be revised; in fact the Agency has done it already this year. Leon stated that he budget can be revisited for good sound reasons.

APPROVAL OF MINUTES

Charles Landi asked to clarify something in the minutes. On page 4, he refers to the bottom of the page where he spoke to Carl Belfiglio regarding his comment about it not being necessary to modify the by-laws; because they thought modifying the by-laws came directly from Belfiglios committee. It was Counsel to the Legislator, Langdon Chapman who had stated that the by-laws may need to be modified. Charles Landi said that he stated he was going to call the New York State Budget Authorities Office and clarify the issue.

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Leon Smith asked Charles Landi if what he was getting at had anything to do with the Minutes. He replied that yes, it was. He began to read from an email that was received from the public authority's office after the July 15, 2013 meeting was over. Leon stated that the Resolution was voted down. Charles Landi stated yes, it was, but it may be misquoted in the Minutes. "It sounds like in the Minutes that we don't have the authority to do that, but we do." Charles said "the question was; do we have the authority to do that" and he begins to read from the email:

"Certainly under current law the UCRRRA board can invite a member of the County Legislature to attend board meetings and the board could call on this individual for expert advice or input. We encourage boards, as a matter of practice, to solicit input from experts and interested parties on all matters that come before it. The board may also invite selected individuals to participate in executive session. In such cases, we would expect that this individual would be bound by the same confidentiality requirements as directors."

When asked if the Minutes could be modified with this information, it was stated that this was information that Charles Landi received post July 15, 2013 Board Meeting and therefore the minutes of the July 15, 2013 Board Meeting could not be amended to include it. He was told that the information would be included in the Minutes of the August 19, 2013 Board Meeting (as quoted in the paragraph above).

The minutes of the July 15, 2013 Regular Board Meeting, as presented, were moved by Al Teetsel and seconded by Catherine Nilsen. Four in favor. None opposed. One absent (Tagliafierro). The minutes of the July 15, 2013 Regular Board meeting were unanimously approved.

COMMUNICATIONS AND ANNOUNCEMENTS

The next Regular Board Meeting will be held on Monday, September 16, 2013 at 5:00pm.

GENERAL REPORTS

MSW

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The Agency received 124 tons less than the projected tonnage of solid waste for July 2013. We were pretty close this past month to our targeted tons.

RECYCLING TONNAGE

The Recycling tonnage report, looking back at last July for commingle we did 99 and this year we did 136. Glass was 60 and this year it is 72, mixed news was 191 and is now 190. Tim reminded the Board that the glass is actually a cost to the Agency. Single stream was 356 and now it is 446. 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. There is a lot of contamination in the single stream and haulers don't want to take it to Jersey or other vendors because there is no value in it. Currently the Agency is getting paid for the single stream. The OCC was at 324 and is now 286.

COMMODITY REPORT

Tim Rose noted the commodity report in the Board packet. Leon Smith inquired as to why we sold the mixed news to two different vendors at two different prices. Charlie Whittaker explained that we are selling it to Metro down in New York City and in exchange they are bringing back commingle so we can run our sorting line. We are also selling it to American Independent in Terrytown and he is bringing in a little bit of commingle as well, but not much. Al Teetsel moved to approve, Catherine Nilsen seconded. Four in favor, none opposed.

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LEACHATE COLLECTION

The leachate collection report, in July of last year for Ulster we did 41,000 and this year we did 167,000. In New Paltz we did 56,000 last year and 193,500 for this year.

RECYCLING PROGRAM UPDATE

The first item is regarding the NYS medication drop offs program. A couple of months ago we had spoken about utilizing retired post office boxes from the USPS, refurbishing them and placing them in the Ulster County Sheriff's stations to collect medications. This would save the Agency the cost of purchasing lock boxes and also create an opportunity for repurposing the post office boxes. At every Household Hazardous Waste, Pharmaceutical Waste and Electronics Collection Event, we are seeing more and more medications. Placing lockboxes into the Ulster County Sheriff's stations would further aid the county residents by creating a more convenient means for safe disposal of medications; especially since the Sheriff's stations are available 24/7. Michelle had contacted the local post offices as well as the distribution center in Newburgh. She was told that currently they don't have any boxes and in most cases they do refurbish them if they can and put them back out for use. If it's not possible to refurbish them, they are recycled. She told them that we would even be interested in those being that we could fix them up and use them instead, but was told that there were none available. She reached out to her contact at the headquarters for the Resource Conservation Division of the United States Postal Service. He advised Michelle that as of last year they now have a regulation to not redistribute the retired mailboxes for any other purpose. Years ago the boxes were used by the Lions Club and other organizations but they are no longer allowed to redistribute.

In light of this, the Ulster Prevention Council has been working on a couple of projects and just recently put a box in Saugerties Police Station and provided funds for a box that is in the New Paltz Police Station. The Ulster Prevention Council does not have funding at this time to supply more boxes for a program expansion with the Ulster County Sheriff's Department to place medication drop boxes in the main station in Kingston and substations. The substations are great locations as they are spread out across the county. Funding for the boxes for the expansion of the Ulster County program with the Sheriff's Department has been made possible through the New York State Medication Drop-Box Program sponsored by NYSDOH.

Al Teetsel raised a question as to how the lock boxes are controlled. Michelle told him that there is always an officer on location. Al asked about the keys to the lockboxes, who is in possession of those? Michelle stated that the Sheriff's office would be the holder of the key and Al recommended there be two keys, held by two different people. Michelle stated that the Agency's involvement is to get the box into the location, provide education and outreach to the public about the new program and assist with proper disposal: how the Sheriff's Department handles the management is their decision. An Agency representative would accompany the Deputy to the Dutchess County Waste-to-Energy Facility for disposal. Michelle will suggest a second key to the Ulster County Sheriff's Department.

Michelle stated that she wrote a detailed proposal for the pharmaceutical collection program for the NYS DOH because they are going to provide us the boxes for this program, free of charge. Detailed reporting is required on the collection and disposal of the medications to be reported to the NYSDEC.

Agency marketing and outreach materials are now available for composting. Michelle is getting compost samples together as well for distribution to various entities. The Agency now has a new billboard that lets the public know that we have compost for sale. So far only two haulers are working with us on the composting, Waste Management and Royal Carting. There are also a few businesses that are self-hauling their food scraps to the Agency's organics Recovery Facility. Since program inception, the Agency has collected about 300 tons of food scraps for composting.

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The Agency is a member of NYSAR3 and Michelle stated that she is on the NYSAR3 Organics Council and the Conference Planning Committee and she has planned one of the sessions for this year's conferece, which is called the EPA Food Recovery Hierarchy. This conference will be held on November 12-14 in Cooperstown, NY.

FINANCIAL MATTERS

For the June Treasurers Report, there was one small change on the MSW Haul and private contracts, it increased by \$460.

Leon Smith motions to accept the June, 2013 Treasurers Report was moved by Al Teetsel and seconded by Catherine Nilsen. Four in favor. None opposed. One absent (Tagliaferro)

Timothy DeGraff presented the treasurers report for July. Total MSW tons were 11,823 for total tip fee revenue of \$1,161,232. Sale of recyclables was \$45,563. We have total revenue of \$1,384,104 for the month. Tim wanted to note a few line items that have increased because of the MSW tons and Sludge tons increase, obviously our MSW tipping fee, sludge tipping fee, fuel surcharge; on the expense side our fuel replenishment program, hauling private contracts, solid waste disposal costs, sludge disposal and transport and our HCB payments. He also wanted to make note of leachate disposal which was obviously up as you saw our leachate report was a lot higher.

Miscellaneous revenues, \$27,350, \$6,000 of that related to grinding services and about \$19,000 of that was related to our Workers Compensation refund from our 2011/2012 policy year.

Our operating revenues for the month were \$339,051 and Capital Outlay of \$19,513 approximately 12,000 of that was the new telephone system and 7,700 for concrete blocks with regards to the leachate tanks. We also made one of our debt service payments so our fund balance for the month was \$246,249, with our YTD at a deficit of 1.4 million.

Leon Smith noted that the Agency had a slow start but we are now looking at being very close to our six month projection.

The Treasurers Report does include some estimates so the treasurer's report is not ready to be approved.

Timothy DeGraff presented the MRF P&L for July, which reflects much of the same as the Treasurers Report. From a sales standpoint, it is pretty much the same as June. One item he does want to note, on the second page under personnel expenses you see Benefits/Taxes/Pension. Tim changed the calculation to come up with this figure and it is more accurate as a result. This change was applied to previous months as well and was discussed with the Board.

Our net income for the month was \$10,595 so for the YTD we are at \$97,779.

ADMINISTRATIVE MATTERS

Resolution No. 2306 Re: Authorization of Proposed 2014 Agency Budget

This resolution authorizes the proposed 2014 Agency budget to be forwarded on to the County where it is subject to review and comment prior to its final approval in October. Tim Rose will hand deliver the Budget to the Ulster County Office Building.

Leon Smith noted that at this time there is no net service fee included at this time. Changes down the road could change that factor.

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Leon Smith moved to the floor Resolution No. 2306; Motion to approve was made by Leon Smith and seconded by Al Teetsel. Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2307 Re: Approving the Agency Capital Plan

This resolution authorizes and approves the Capital Plan, as updated by the attached 5 year Capital Plan. The estimated cost of the Facilities have been updated.

Leon Smith moved to the floor Resolution No. 2307; Motion to approve was made by Charles Landi and seconded by Leon Smith. Four in favor. None opposed. One absent (Dominic Tagliaferro).

OLD BUSINESS

The leachate tanks are all done in Ulster. The last and final step is in to put the old tanks out for bid to see what we can get for them. There are so many holes in them that the tanks aren't worth the repair but the value is in the steel.

The new phones have been installed internally and Time Warner Cable will be starting in about two weeks to run the piping and the fiber line. The cabling company is coming in on the 29th to begin construction.

Charles Landi said that we had been negotiating with the Union in good faith up until early April. His concern is that it seems as though the Agency is being stalled. Charlie asked Tim if he had a date set up for a meeting. Tim told him no, but that they did have an appointment last week to meet and Barry Russell cancelled that meeting. Tim is still waiting to hear from him for another date. Charles Landi thinks this is bordering on not bargaining in good faith. If we were doing this to them, there would be an issue.

Ken Gilligan indicated that the talk was now bordering on Executive Session.

Leon Smith indicated that he thinks the negotiating committee should send out a letter requesting a meeting immediately.

NEW BUSINESS

No new business

MOTION to ADJOURN the August 19, 2013 Regular Board Meeting at 6:06pm was made by Al Teetsel and seconded by Catherine Nilsen.

AYES 4 NAYS 0 ABSENT 1 (Dominic Tagliaferro)

The above transcribed Minutes of the August 19, 2013 Regular Board Meeting were **UNANIMOUSLY**
 APPROVED AS AMENDED by the Board.

Date: September 16, 2013