

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

April 15, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on April 15, 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 Members Charles Landi and Dominic Tagliafierro.

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**

Legislator Ken Wishnick requested that the Public Comment section be delayed because Legislator Carl Belfiglio was on his way and would like to make a comment. The Board agreed to delay the Public Comments.

**CHAIRMAN'S COMMENTS**

No Chairman comments at this time.

**PRESENTATION OF TOSKI & CO. RE: 2012 AUDIT**

Dominic Tagliafierro stated that the Agency has received the Audit Report from John Rizzo from Toski & Co. and the Audit Committee accepts the Audit report. Dominic thanked Leon Smith for bringing to light the amount of interest that is being paid out to the Retirement system from when the Agency entered into NYS Retirement. Al Teetsel said that he thinks that what Dominic is saying is that when we go over the Budget in August, perhaps the Board can look into the possibility of making periodic lump sum payment to bring down the amount of interest paid. There are no pre-payment penalties.

Motion to accept the audit, Al Teetsel moved, Charles Landi seconded. Five in favor. None opposed.

**PUBLIC COMMENT (cont)**

5:05pm, Carl Belfiglio joined the meeting. He wanted to thank the Board for having changed the meeting time that allows for himself and Ken Wishnick to attend the meeting. The legislative meetings and committees meet in the evenings and that made it easy for the Agency Board of Directors to attend their meetings but it was not so easy for them to attend ours, due to the time of the meetings. Hopefully now, with the meetings being held at a later time, they will continue to attend and hopefully see more legislators and public attend. He requests the ability to address the Board with questions during the Board Meeting. Charles Landi does not see an issue with this so long as it is pertinent to the subject being addressed at that time, Leon Smith doesn't approve. Ken Gilligan would like to look into it and possibly see about a Resolution authorizing the exchange of conversation during the Board Meeting.

Leon Smith asks that for discussion, how you can say that it is alright for a Legislator to open conversation up during a meeting and not ok for a member of the public (who can only speak during Public

Comments section) to do so. Carl requests that an exception be made for today's meeting and it will be addressed again at the next regular Board Meeting.

Charles Landi motions to make the exception until the matter can be looked into. 4 in favor 1 opposed (Leon Smith)

### **APPROVAL OF MINUTES**

The minutes of the March 18, 2013 Regular Board meeting were moved by Al Teetsel and seconded by Catherine Nilsen. The minutes of the March 18, 2013 Regular Board meeting were unanimously approved.

### **COMMUNICATIONS AND ANNOUNCEMENTS**

The next Regular Board Meeting will be held on Monday, May 20, 2013 at 5:00pm.

### **GENERAL REPORTS**

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The Agency received 2,846 tons less than the projected tonnage of solid waste for March 2013. Tim said that targeted tonnages are based on last year's budget that was prior to Flow Control. The numbers will be revisited after a full quarter of data has been collected; being that flow control is new.

***Ken Wishnick asked as to what the Agency's reasoning was for the decline in tonnages. Tim Rose said that targeted tonnages are based on last year's budget which was prior to flow control. Charles Landi also pointed out that four elementary schools and one hospital has been shut down and that will account for a decrease in tonnages as well.***

The Recycling tonnage report, looking back at last March for commingle we did 72 and this year we did 132. Glass was 31 and this year it is 36, mixed news was 166 and is now 151. Single stream was 372 and now it is 229. The OCC was at 251 and is now 245.

Tim Rose noted the commodity report in the Board packet. Across the top of the report will see the prices we obtain before selling to merchant. Prices are gathered using emails and phone calls, all the prices are documented and prior to shipping of the load, Tim Rose approves the price that we are selling the commodity at. This report is being presented to the Board to show the documentation that the Agency collects when deciding which commodity to sell to which vendor. Total transparency.

***Carl Belfiglio asked about the number of "no responses" on the list and Tim Rose responded that basically, the Agency is a small player. In order to maintain transparency, all records of communication are kept and the overall procedure we follow in selecting the final vendor is done by several people in the administration and eventually approved by Tim Rose. Even though they don't respond, we continue to contact them each time.***

The leachate collection report, in March of last year for Ulster we did 48,000 and this year we did 222,500. In New Paltz we did 161,000 last year and 168,000 for this year.

***Ken Wishnick asked about the extra columns on the leachate report that shows Hurley and Jockey Hill. We extract leachate out of the Hurley and Jockey Hill Landfill, the Agency has an agreement with them to collect the leachate. Collection of the Lloyd Landfill leachate is minimal, approximately once per year and is part of the 1992 County Contract.***

Michelle Bergkamp passed around the written portion of her report. We are on schedule for the collection event scheduled for this Saturday. The Sheriff's Department will be here for the pharmaceuticals and to date, we have 410 registrations. We will be also collecting non perishable foods as well.

An initial sample testing for emissions and maturity was conducted on the Agency's compost product. The agency conducted a preliminary test procedure that measures the evolution of carbon-dioxide and volatile ammonia emissions. The two most prominent emissions of active compost. CO2 results showed that the compost is well matured and cured with few limitations of usage. Another sample will be taken tomorrow morning and submitted for laboratory testing per the USCC STA program requirements. Agency compost has completed the curing phase and can now be screened to obtain the finished compost product. Currently the Agency doesn't have a trammel screen but the Town of Ulster is providing their equipment to the Agency to conduct a trial run. If it proves to suit the Agency's needs, we may partner together on this program.

While the compost is ready for sale and market area research has been completed, the Agency would like to postpone providing the price structure until the next board meeting because it is important for us to know how much will be produced on an on-going basis to determine a fair and proper price structure. At this time the Agency would like to sell the compost by bulk to both the residential and commercial sectors. Also, the compost still needs screening and the results of the lab tests so we are able to market the compost as an USCC STA certified product.

For the Calendar year of 2012, the Agency calculated a recycling rate of 33 percent. That is, 33 percent of the total solid waste stream was recycled, while 67 percent was sent for disposal. In addition, residential recycling was 13,998 tons and commercial recycling totaled 65,915.05 tons for a total of 79,897.03 tons recycled. Ulster County's total solid waste stream for 2012 was 240,037.95 tons, of which 79,897.03 tons was recycled. Targeting organics recovery from the commercial sector will not only increase our recycling rate but will divert valuable material from landfill disposal.

## **FINANCIAL MATTERS**

Timothy DeGraff presented the treasurers report for March. Total MSW tons were 8,290 for total tip fee revenue of \$814,425. Tim DeGraff wanted to point out the sale of recyclables took a significant decrease down to \$47,972 but we did have 3 loads of cardboard on the floor ready to be sold. We have total revenue of \$968,901 for the month.

On the expense side, March was a three payroll month so personnel expense is higher because of this, \$262,319. The Administration fees were \$36,009 which include our audit fees of \$17,000 and make it higher for the month. Total expenses for the month was \$902,035 which brings our net operating revenues to \$66,866. The year to date fund balance is at \$212,154. Tim would like to mention that the month of March was starting to pick up in volume and in April so far, tonnages have been up.

Charles Landi motioned to accept the March treasures report, Dominic Tagliafierro seconded. Five in favor. None opposed.

***Carl Belglio asked about the Net Service Fees, 2013 YTD is \$2,474,330 and 2012 YTD is \$1,366,153; can that be attributed to Local Law No. 10? Tim DeGraff stated that it has to do with 2011 and 2012 and the only reason why he includes it on here is because helps to see where we are at with the 2013 operating budget in regards to the prior year. So those figures are really from the two prior years. Carl also asked if there was going to be a way to gauge the effects from Local Law No. 10? Tim DeGraff explained that the treasures report will actually make seeing the effects over the year self explanatory, for instance if you look at January***

*tonnage and March tonnage where our tonnages were actually lower but our revenues were higher. Flow Control pricing went into effect as of February 1<sup>st</sup>.*

*Carl Belfiglio would like to see some sort of gauge for the Legislature to be able to look at without having to look at the treasures report that will show the effects of Local Law No. 10. Leon stated that we really need more data as we are only two months into it.*

Timothy DeGraff presented the MRF P&L for March, which reflects much of the same as the treasurers report. For tip fees you will see that they are down as stated in the Treasurers report, sale of recyclables were down. Charlie commented that we carried over a load of steel and plastics as well.

### **ADMINISTRATIVE MATTERS**

#### **Resolution No. 2289 Re: Authorizing and Approving Award of Contract for the Purchase of Landfill Leachate Storage Tanks.**

Dominic Tagliafierro wanted to ask Tim Rose, Sabre offers a 6 month warranty whereas Highland offers a 30, and he wanted to know how the decision came about to recommend Sabre. Tim said that the warranty we weren't too concerned with, both tanks are coated. Please keep in mind that the tanks we have now are not coated at all. And the tanks were used to begin with.

Dominic says that it really doesn't state anything about the coating. Sabre states that due to the unknown of the leachate, the warranty is only for 6 month but Highland states that they are confident with any type of leachate. Tim Rose said that we could go back and do an analysis but he doesn't have any concern at all, these tanks are built to the gas and oil industry standards and the leachate we collect from the 15 year closed landfills is dilute.

This resolution authorizes and approves the award of the contract for purchase of Landfill Leachate Storage Tanks to Sabre Manufacturing. This award includes the removal and relocation of the old tanks and putting in the new tanks. Four storage tanks, two at Ulster and two at New Paltz.

Leon Smith noted that the tanks still would need to be cleaned and disposed of in addition and is not included in the bid award. Tim Rose wanted to let the Board know that as soon as the Agency noted that the tanks were leaking, DEC was contacted immediately and the situation was acted upon immediately.

**Leon Smith moved to the floor Resolution No. 2289, Charles Landi seconded. Four in favor. One opposed (Tagliafierro).**

**MEMORIALIZING RESOLUTIONS:** Charles Landi mentioned that the following resolutions are Memorializing Resolutions. This noted, the resolutions should be boldly stated as such as the Agency does not have any power on the NYS Legislature in all of the following resolutions but we think it is a good thing to pass them and send them onto the Environmental Committee to make our concerns known. If enough is passed on to the NYS Legislature, perhaps something will be done.

#### **Resolution No. 2290 Re: Resolution Supporting Product Stewardship Program for Paint**

### **MEMORIALIZING RESOLUTION**

Product Stewardship, or Extended Producer Responsibility, is a strategy making manufacturers, retailers and end-users responsible for minimizing the product's environmental impact. This includes all stages of the product's life cycle, including end-of-life management.

This resolution supports urging the New York State Legislature to enact industry sponsored paint recycling legislation which requires the paint industry to be responsible for collecting and managing leftover paint in New York. Ultimately this would take a lot of the financial burden off of our Agency and other Agencies from having to hold Household Hazardous Waste events to dispose of these materials.

**Charles Landi moved to the floor Resolution No. 2290, Al Teetsel seconded. Five in favor. None opposed.**

**Resolution No. 2291 Re: Earth Month Resolution Urging State Representatives To Enact Producer Responsibility Legislation for Mercury Thermostats Sold in New York State**

**MEMORIALIZING RESOLUTION**

This resolution urges New York State legislative representatives to promptly compromise both house bills and enact extended producer responsibility legislation for the collection and disposition of discarded mercury thermostat devices.

Mercury thermostats are, as well, one of the items that we collect at our Household Hazardous Waste events.

**Charles Landi Moved to the floor Resolution No. 2291, Al Teetsel seconded. Five in favor. None opposed.**

**Resolution No. 2292 Re: Resolution Supporting Extended Producer Responsibility**

**MEMORIALIZING RESOLUTION**

This resolution invites and urges the Ulster County Legislature and the City of Kingston to pass resolutions that urge the State Legislature and Governor to support Extended Producer Responsibility ("EPR") legislation. EPR is an environmental policy approach in which producers accept responsibility for the management of post-consumer products, so those who produce products help bear the costs of recycling and responsible disposal.

Some corporate producers have implemented "take-back" efforts which have been helpful but there is a need for consistent industry-wide practices and this can only be accomplished by EPR legislation on a State or Federal level.

**Charles Landi Moved to the floor Resolution No. 2292, Leon Smith seconded. Five in favor. None opposed.**

Carl Belfiglio stated that since the Agency said they were going to forward the resolutions on to the Environmental Committee, he would be glad to pass them on and have them put into an Ulster County Resolution so that they can be sent on to the NYS level. Ken Gilligan mentions that in the Further Resolved, it does state that the Agency will be sending them to the Environmental Committee Meeting.

**OLD BUSINESS**

Tim Rose notified the Board that a gentleman from the OEM came to the Agency to review the paperwork for the FEMA payment. He stated that everything looked good but he could not project when the Agency would receive payment.

Charlie Landi asked about the code enforcement and how it is going. Tim said that we were down to two haulers that we are bringing into compliance right now, one in which is going to start using our facilities and the other that we are working on, with the aid of Ken Gilligan.

**NEW BUSINESS**

***Carl Belfiglio stated that on April 16<sup>th</sup>, Resolution No. 0184 is going before the Legislature which is the resolution to add two more legislators to the Agency Board and a five member advisory board. We have struck out the five member advisory board.***

Leon Smith asked why the Agency Board was not asked for its input on this change to the Board structure. Carl said that the meeting times made it difficult to come to the Board meetings and that alternately, everything they discuss is on their website and accessible to all. Catherine Nilsen stated that the legislators have been mentioning that they don't know what is going on at the Agency because they were unable to attend our meetings due to the meeting time, but all of our information has been available on our website as well. So there really isn't any reason as to why anyone should be behind as to what is going on here.

***Ken Wishnick stated that when you read stuff on a website it is not the same thing that has been discussed at a meeting. Even though the information was there, but he thinks Legislator Belfiglio was trying to convey by his comment was that even if the subject matter was available, it's not the same as attending.***

**MOTION to go into Executive Session at 6:12pm to Discuss Legal Strategy for Compliance with Flow Control Law.**

Charles Landi motioned Dominic Tagliafierro seconded. Five in favor. None opposed.

**MOTION to ADJOURN the April 15, 2013 Regular Board Meeting at 6:32 was unanimously approved.**

**AYES   5              NAYS   0**

The above transcribed Minutes of the April 15, 2013 Regular Board Meeting were           **UNANIMOUSLY APPROVED**           by the Board.

Four in favor, none opposed, one absent (Tagliafierro).

Date:           May 20, 2013