

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

July 15, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on July 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, Members Charles Landi and Dominic Tagliaferro.

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.

Carl Belfiglio, Ulster County Legislator. Commends the Board for bringing forth Resolution No. 2305 although as he reads it, he doesn't understand some of the basis of it as he doesn't think you need to change the by-laws to allow a legislator to be a non-voting member of the board, he thinks it could just be something as simple as the fact that the Agency is allowing. As far as this being a legal matter, perhaps with the Public Authorities Law, he feels there is going to be some problems with it and that the Resolution will fail eventually because asking for that type of legal change in the public authority's law, there is going to be a problem. He would rather see more of a liaison invite. However, he still commends the board for bringing forth the Resolution.

Leon Smith closed the Public Comments section of the meeting.

CHAIRMANS COMMENTS

Leon Smith noted that he had a meeting scheduled with Carl Belfiglio and Tracey Bartels on the negotiating of the Bond Limit. That meeting was held with Tim. We basically discussed what the board discussed, regarding limiting the amount of bonding to half a million without having majority approval of the legislature. It was agreed up that they would go forward with that. They asked if there could be a limit on the total bonding for the year (Charles Landi said, with question, 1.2. million) Leon said no, the legislature asked Leon to go back to the board to discuss other options.

Leon Smith discussed with the Board that with regards to forming a committee for alternative disposal methods, he has not heard back from anyone on this matter. He stated that he is a little lost as to where that stands at this point.

APPROVAL OF MINUTES

The minutes of the June 17, 2013 Regular Board meeting were moved by Al Teetsel and seconded by Catherine Nilsen. The minutes of the June 17, 2013 Regular Board meeting were unanimously approved.

COMMUNICATIONS AND ANNOUNCEMENTS

The next Regular Board Meeting will be held on Monday, August 19, 2013 at 5:00pm.

GENERAL REPORTS

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The Agency received 1,138 tons less than the projected tonnage of solid waste for June 2013. Charles Landi noted that there are always minus figures in the variance columns. No other comments were noted.

The Recycling tonnage report, looking back at last June for commingle we did 137 and this year we did 152. Glass was 55 and this year it is 59, mixed news was 208 and is now 163. Single stream was 398 and now it is 302. The OCC was at 315 and is now 246. Tim Rose wanted to remind the Board that at this time last year, Waste Management's transfer facility was not open up the road and we were getting their recycling. Now they are keeping it.

Tim Rose noted the commodity report in the Board packet. Tim Rose noted once again that NR means No Response. Leon asked about the OCC, two people submitted a price, Metropolitan and American Independent. Is that a typo, that much difference between the two prices? Tim Rose and Charlie Whittaker responded that it was not, and you can see an astronomical difference in pricing. Al Teetsel moved to approve, Leon Smith seconded. Five in favor, none opposed.

The leachate collection report, in June of last year for Ulster we did 55,000 and this year we did 119,000. In New Paltz we did 105,000 last year and 122,500 for this year.

Last month Michelle Bergkamp briefly discussed the mercury thermostat legislation. The state legislature had a few days before the closing of the session and the proposed bill was passed. There is an attached press release included in the Board Documents that goes into greater detail about the law and the requirements and you can look up the legislation and the reporting requirements with the DEC. The Mercury Thermostat Collection Act is a way to require thermostat manufactures to collect them and safely dispose of the mercury containing devices. This program will take the burden off of local governments and the Agency as well.

The hazardous waste collection event is coming up on Saturday. The event was featured in several local newspaper articles, which always helps get the information out to the public. We have 300 households participating so far which is the lowest we have had in a long time but then again it is the summer season. The Ulster County Sheriff's department will be there as well to collect the pharmaceutical waste.

Last month Michelle reported that the Agency had been accepted into the US Composting Council Seal of Testing Assurance Program and to date we have sold about 40 tons of our certified compost. There are some potential partnerships that are developing right now. There is a meeting coming up on Friday (July 19) with Waste Management; we are working with Cornell Cooperative Extension and the farming community; conducting a survey of Ulster County area farmers and we also have all the components of the Ulster County *Partner in Composting* Program, which is available for the business community. So this is really a collaborative effort between the Agency, the haulers and the businesses that generate the food waste to bring the material so it can be processed at the Agency Organics Recovery Facility. Part of the Ulster County *Partner in Composting* program includes free signage, decals and other promotional materials as well as employee training for the restaurants or businesses that are going to start organic recovery programs.

The Municipal Recycling and Waste Reduction Grant was submitted for a total sum of \$131,331.72. Michelle hopes that the Agency will receive those funds within a year.

To date, the Agency has collected over 180,000 lbs of electronics from our facilities in Kingston and New Paltz. The Agency has received about \$4,200 for those materials. In previous years, the Agency paid for the recycling of these materials but the NYS Electronic Equipment Recycling and Reuse Act signed into law in 2010, requires manufacturers to take responsibility for end of life management of used electronics; the Agency now receives funds for recycling electronics.

BioCycle magazine reached out to Michelle Bergkamp to do a follow up article from an article that was published in their magazine in May of last year. She will be getting the materials together for an article on the Ulster County organics recovery program.

FINANCIAL MATTERS

For the May Treasurers Report, the line items that had estimates in it; the sludge disposal and transport number stayed the same, MSW Hauling and Private Contracts went up from 199,050 to 205,494. That is the final number so our May report is now complete.

Al Teetsel moves to accept the May, 2013 Treasurers Report was moved by Al Teetsel and seconded by Dominic Tagliaferro. Five in favor. None opposed.

Timothy DeGraff presented the treasurers report for June. Total MSW tons were 10,323 for total tip fee revenue of \$1,014,833. Sale of recyclables was \$59,461. We have total revenue of \$1,189,799 for the month.

On the expense side, all of the hauling invoices are not in yet so there is an estimate of \$194,161. Asterisks are by the Sludge Disposal and Transport but Tim DeGraff was able to verify that number as being correct for the month of June. Things to note; you will see that under CLF Monitoring & Maintenance there is \$39,093, we did our post closure studies for the three landfills that Sterling does every year as well as tank cleanings for the leachate tanks and a couple of pump rebuilds, so that is why that number is above what it normally is for the rest of the year. Net Operating Revenues for the month were \$218,832. We did have Capital Outlay, there is a Resolution that we will see later on with regards to transferring the remaining funds out of the BRIF for the purchase of the leachate tanks that are all covered in our Capital Budget. Our fund balance for the month was \$153,692. So year to date, our fund balance is at a deficit of 1.654 million.

Dominic Tagliaferro asked about the CLF line, if precipitation contributed to this figure and is that why it is elevated? Tim DeGraff told him that the Leachate Disposal line is the one that is affected by the amount of precipitation we receive; and that the CLF line is elevated in this treasurers report because we are required to conduct tests on the three landfills once per year and we did that testing in June. Tim Rose added that the monitoring is normally done twice per year but a few years ago, the Agency was granted a waiver to reduce the monitoring from semi-annually to annually. It is a 30 year monitoring of the area wells around the closed landfills.

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 June, which reflects much of the same as the Treasurers Report. The total sale of recyclables is down from May, at \$52,486. As you can see with the tons sold, we actually sold more tons last month than the prior month, but in the prior month we actually sold plastic which is a higher number per ton which generates more revenue. Bottom line, or net income loss after the depreciation was still to the good of \$7,492 and our year to date is \$84,843 so we are still in the positive.

Charles Landi requested a header on the reports to make it easier to follow them.

ADMINISTRATIVE MATTERS

Resolution No. 2303 Re: Payment of Requisition No. 112 – Bond Redemption and Improvement Fund (BRIF)

This resolution authorizes and approves the transfer of the balance of the funds in the Bond Redemption and Improvement Fund in the amount of \$239,624.41; which constitutes the remaining balance in the BRIF for the purchase of four Landfill Leachate Storage Tanks from SABRE Manufacturing and a Volvo EC220D Excavator from Vantage Equipment.

Leon Smith moved to the floor Resolution No. 2303; Motion to approve was made by Charles Landi and seconded by Dominic Tagliaferro. Five in favor. None opposed.

Resolution No. 2304 Re: Authorizing the Agency to enter into Contract Extensions of the Solid Waste Management Agreement with Ulster County Towns

This resolution authorizes the Executive Director of the Agency to enter into Contract Extensions of the Solid Waste Management Agreement with Ulster County Towns as they come in to the Agency. The Agency as sent the extensions to each town and a few have already been returned. This Resolution will allow the Executive Director to fully execute each one as they are received by the Agency.

Leon Smith moved to the floor Resolution No. 2304; Motion to approve was made by Charles Landi and seconded by Dominic Tagliaferro. Five in favor. None opposed.

Resolution No. 2305 Re: Amending the Ulster County Resource Recovery Agency By-Laws to allow one Ulster County Legislator Non-Voting Status as Board Member

This resolution authorizes and approves the amendment to the Agency's By-Laws to allow one Ulster County Legislator to participate as a non-voting Board Member. Implementation of this resolution will be effective after authorization from the Ulster County Legislatures Attorney, confirming that this resolution does not violate the New York State Public Authority Law.

Leon Smith moved to the floor Resolution No. 2305

Charles Landi wanted to speak to Carl Belfiglio regarding his comment about it not being necessary to modify the by-laws because that thought, modifying the by-laws, came directly from Legislator Belfiglio's committee. It was on 6/6/2013, at his EET Committee that Legislator Chapman went on to suggest that an RRA Board Resolution modifying its by-laws to allow county legislators meaningful input during session and executive session presence, would make it our RRA official policy. He thinks and believes that opening up the door to communication is going to be advantageous to us and he is still in favor of this resolution. In light of that he thinks that Legislator Belfiglio raises a good point into whether or not the Public Authorities Office allow us to do this and he would like to table the resolution to allow time to look into this matter.

Motion to table Resolution was made by Charles Landi and seconded by Dominic Tagliaferro. Two in favor (Landi, Tagliaferro), three opposed (Teetsel, Smith and Nilsen)

Charles Landi thinks there is more to be gained with speaking between the two committees and he thinks it can be done and he is going to pursue this.

Dominic Tagliaferro doesn't mind communication with the legislators and would like to see more of it, but at this time he thinks more needs to be looked into with the resolution and he would have liked to see it tabled.

Motion to approve Resolution No. 2305 was made by Catherine Nilsen and seconded by Leon Smith. One in favor (Landi); four opposed (Tagliafierro, Teetsel, Smith and Nilsen).

Charles Landi stated that this resolution was an effort to open the communications between the RRA and the Legislators. Leon Smith stated that he has been trying to get the Legislators to form a committee and he hasn't been able to do so. He continues to get no reply. Catherine Nilsen stated that her phone numbers and information is published and she has not received any communication from the Legislators regarding anything with the RRA. Charles Landi stated that other RRA Boards have legislators as members.

Ken Gilligan spoke to clarify the differences between counties and RRA Boards. Regarding other counties and legislators serving as board members as compared to our County. He stated that the Enabling Act, for instance Oneida-Herkimer, specifically includes Legislators on the Board of Directors; whereas the Enabling Act for the Ulster County RRA specifically excludes Legislators from serving on the Board. The Enabling Act was created by the Ulster County Legislators themselves.

OLD BUSINESS

Tim Rose spoke about the Leachate Tank upgrade, New Paltz is done, tanks were delivered, old tanks were taken out and new tanks were installed. Ulster tanks have been delivered but still need to be installed; we have ordered concrete blocks to elevate the tanks.

Al Teetsel asked about the telephone system and Time Warner Cable upgrade. Tim Rose stated that he got a phone call the other day from Time Warner Cable stating that they have received the order for the installation of fiber and are processing it. We do have new phones and they have been installed this week, internally within the building.

Tim Rose stated that the next repair necessary is the floor repair in Ulster. Once the tank job is done then it is the floor repair which is what DEC is asking us to do. He also congratulated the staff as we continue to get good reports from the DEC when a monitor comes on site. No violations, not even minor violations have occurred. Charlie Whittaker is doing a good job out there. The agency continues to receive good reports from various sources on how the site is kept clean.

Charlie Landi said there are a couple of things he wants to discuss regarding old business. Leon Smith asked Charlie if he received any word from the Union. He replied that Barry emailed him back and told him that he had emailed Tim regarding setting up dates for meetings and they will let Charlie Landi know when they have more information.

Charlie Landi asked Tim regarding penal code of Local Law No. 10. Ken Gilligan asked Landi if he was referring to Local Law No. 12, not 10. Landi specified the Flow Control Law. Ken stated that it is Local Law No. 12. Ken stated that Local Law No. 10 has penal aspects to it (Recycling Law) and Flow Control doesn't. Landi asked that if Haulers fail to comply, what are the consequences? Ken felt that they were bordering on Executive Session.

NEW BUSINESS

Al Teetsel said that when they were up at Herkimer County, for recycling of hazardous waste, they had a building outside for people to bring their products, Monday thru Friday. He would like Tim and Michelle to look into how they got started and see how we can possibly get started into doing the same thing. He thinks we may need to start small, but perhaps we can do the same thing here if it is at all possible. He understands that we may not even be able to do that. He requested a report back at possibly the September 2013 Board Meeting.

JULY 15 2013 REGULAR BOARD MEETING MINUTES

Michelle Bergkamp said that the information is in our Solid Waste Management, the whole plan is there to have that within the next ten years. Al Teetsel requested that it start to be put together somehow.

Leon Smith noted that the finance committee should work on looking into proposals for new auditors.

MOTION to go into Executive Session at 6:10pm to discuss credit history of a specific employee was made by Al Teetsel and seconded by Catherine Nilsen. Five in favor. None opposed.

Motion to come out of Executive Session was UNANIMOUSLY APPROVED by the Board.

MOTION to ADJOURN the July 15 2013 Regular Board Meeting at 6:37pm was unanimously approved.

AYES 5 NAYS 0 ABSENT 0

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

Date: August 19, 2013