

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

June 17, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on June 17, 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

Carl Belfiglio mentioned that when going over the Minutes from last meeting that he was reminded of the gentleman that had addressed the Board with his concerns about how far his waste had to travel now due to Flow Control. They were asking for some consideration and/or leeway being that his hauler, Thompson Sanitation, was going to have to truck the waste to New Paltz as opposed to only going to a place in Sullivan County which is very close to him. Carl mentioned at the May 20th meeting that maybe the Agency could make a deal with one of the town Transfer Stations, nearest one being Wawarsing (he believes). He also is under the assumption that the tipping fees are the same for both towns and haulers. Leon Smith corrected this, saying that the towns are \$90/ton and haulers are \$100/ton. Still, he would like to see an agreement with perhaps another county or one of the Town Transfer Stations. He also stated that he remembers that during the talks the legislators had prior to flow control, those at the edge of the county would be affected the most. It was never the legislator's intention to hurt anyone financially with the Flow Control Law.

CHAIRMANS COMMENTS

Leon Smith would like to mention that at the last meeting they had agreed to send a letter out regarding formulating a committee that the Board voted on, he sent the letter out to the Ulster County Chairwoman Terry Bernardo and as of this time, he has not received a response. It also went to the chairman of the supervisors committee and we have not heard back from them yet either. He believes they may be waiting for their meetings to take place prior to responding.

Charles Landi wanted to confirm that, as it stands right now, the only three people on the committee are Tim Rose, Tagliaferro and himself. Leon confirmed but stated that the committee actually has not been formed yet because we are waiting to hear from the other two bodies. If we don't hear anything by the next board meeting date, he feels the board should decide what they want to do at that point and move on. It's up to them if they wish to join us.

A letter was sent from Attorney Ken Gilligan to Chairwoman Bernardo to have a committee formed to discuss the cap of the bonds. As of this time, Ken Gilligan has not heard anything back from her. Carl Belfiglio that she turned it over to his committee and they appointed two people (Carl Belfiglio and Tracey Bartels) to negotiate with Tim Rose and Leon Smith. They have a meeting set up for Wednesday June 19th at 4:30pm. The committee is preliminary, not official, so no attorneys will be involved. What the committee decides, must then go before the agency board, and after board approval, it will go to the legislature.

APPROVAL OF MINUTES

The minutes of the May 20, 2013 Regular Board meeting were moved by Leon Smith and seconded by Catherine Nilsen. The minutes of the May 20, 2013 Regular Board meeting were unanimously approved.

COMMUNICATIONS AND ANNOUNCEMENTS

The next Regular Board Meeting will be held on Monday, July 15, 2013 at 5:00pm.

GENERAL REPORTS

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The Agency received 969 tons less than the projected tonnage of solid waste for May 2013.

The Recycling tonnage report, looking back at last May for commingle we did 114 and this year we did 126. Glass was 63 and this year it is 46, mixed news was 206 and is now 161. Single stream was 420 and now it is 236. The OCC was at 337 and is now 228.

Tim Rose noted the commodity report in the Board packet. Just a reminder, NR stands for no response. Every month we reach out to the vendors. Leon asked if they should be approving the report. The Board agreed that this report should be officially approved as it shows that the Agency is doing the research needed to obtain the best prices available to the Agency for its recycling. Charles Landi moved to approve, Leon Smith seconded. Five in favor, none opposed.

The leachate collection report, in May of last year for Ulster we did 24,500 and this year we did 91,000. In New Paltz we did 110,250 last year and 83,000 for this year.

Michelle Bergkamp mentioned about the Product Stewardship news. As you know, the legislative session is going to be ending in a few days and the mercury thermostat bill at both the assembly and the senate has finally come to the table and the assembly requested to strengthen the language by increasing the performance standards. As of today, being the deadline of submissions for new bills, it is still unknown as to whether or not the language was strengthened. If the bill doesn't get passed this year we will be looking at collecting another ton of mercury next year. The Agency and County support has surely helped this bill along.

Paint Stewardship bill is currently moving through the legislative committees. Three quarters of the material that comes through the HHW collection days is paint. One good thing is that Vermont and Minnesota has passed Paint Stewardship Laws recently. This will help put a little more pressure on NYS with regards to this bill. Charles Landi mentioned that this bill would affect the prices on the shelves and Michelle said it was minimal, to the tune of and Eco Fee of \$0.25 per gallon. The debate is now on whether or not the fee should be visible or invisible.

The HHW collection event is going to be at the NYS DEC Facility and some flyers have been placed out for the Board Members. The event will be on July 20th. All the Agency events are done on the third Saturday of the selected months, this will help people plan in advance. As of right now we have about 100 people who have signed up and the event is still a little over a month out. Last collection we had about 430. Usually we fill up fairly quick after the advertisement of the event in the newspaper.

Regarding compost, at the last board meeting we hadn't received our test results back. Since, however, we did receiving them and they were good. The Agency has submitted all the paperwork and the Agency has been accepted as a program participant and now can certify our compost product as STA certified. To date we have sold 38 tons of compost. Charles Landi asked if we were bagging it and Michelle said it was loose bulk.

The Agency is up on the list for the Municipal Waste, Reduction and Recycling Grant. The grant money comes from the **EPF** fund which is the environmental protection fund and it is a continuous funding mechanism for the state to distribute on environmental projects. The two streams of that are the engineering and the construction, for example, our compost operation. The other stream is called recycling education, that is for 50% reimbursement for recycling coordinator salary including fringe benefits and any kind of education. The grant period covers from April 1, 2009 to March 31, 2012. The application is due on Thursday and that is what the Resolution is for, approval to submit the application.

The Recycling education grant has reached the top of the list first and that is the grant this upcoming resolution covers. This grant does not cover the engineering and construction although that one is close to coming to the top of the list to where we can apply for it.

FINANCIAL MATTERS

Timothy DeGraff presented the treasurers report for May. Total MSW tons were 10,600 for total tip fee revenue of \$1,037,764. Sale of recyclables was \$82,391. He would like to point out that the budget column has been updated with the amended budget amounts and under the net operating revenues he added the capital outlay line. We have total revenue of \$1,250,680 for the month.

Total expenses for the month were \$973,772 which brings our net operating revenues to \$276,908. The year to date fund balance is at \$194,150.

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 April, which reflects much of the same as the Treasurers Report. For the month of May, we actually generated more this month than we did in May of last year. The reason for that is if you look at our plastics, we generated \$33,445. It always helps to look at the MRF as an aggregate report. As the material comes in the one month, we see the effects of this in the later months.

ADMINISTRATIVE MATTERS

Resolution No. 2300 Re: Authorizing the Agency to Enter Into a Contract for Gas and Electric Service with the HESS CORPORATION through the MEGA Program

This resolution authorizes and approves the signing into contract with HESS Corporation for Natural Gas and Electric. Hess Corporation was awarded the Competitive Bid for Electric and Gas Contracts through the MEGA program. Charles Landi mentioned that this is something that the City of Kingston has done and it has proved to be beneficial.

Leon Smith moved to the floor Resolution No. 2300, Charles Landi seconded. Five in favor. None opposed.

Resolution No. 2301 Re: Authorizing the Agency to Enter Into a Contract with Time Warner Cable for Internet and Telephone Service

This resolution authorizes and approves the signing into contract with Time Warner Cable for fiber internet service as well as VOIP (telephone) services. Upgrades have been monitored throughout the years and have been in touch with Time Warner Cable on and off over a 6 year period. Our contract with Verizon for our T1 line is coming up for renewal, and we also have our phone lines through Verizon. Currently our internet

service runs \$497 per month and our phone services run approximately \$950 per month. Time Warner Cable can bring in both services to the Agency for \$1,100 per month.

Leon Smith moved to the floor Resolution No. 2301, Charles Landi seconded. Five in favor. None opposed.

Resolution No. 2302 Re: Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the Associated State Contract, Under the Appropriate Laws of New York State.

This resolution authorizes the filing of an application for a State Grant-In-Aid for Municipal Waste Reduction and/or Recycling Project and Signing of the Associated State Contract for a grant reimbursement of \$131,322. As Michelle had mentioned during her Recycling Report, the Agency wishes to file the application for the grant which covers various recycling projects as well as the Recycling Coordinators salary.

Leon Smith moved to the floor Resolution No. 2302, Charles Landi seconded. Five in favor. None opposed.

OLD BUSINESS

Charles Landi opened with stating his concern that with all of the important issues facing the agency and he thinks we are wasting too much time trying to determine if we should or should not talk to the County Legislature or should we not talk. Should we allow the County Legislature to intervene during Board Meetings or not. He stated that they used to do that during committee meetings on a regular basis in city government. Leon Smith said that he agrees with Landi about spending so much time on it and that it was resolved at the last meeting and Landi keeps bringing it up. Landi said he would like to see a closed hand communication with the committee that we are directly involved with. Leon Smith said that we do and will discuss freely at anytime except during the Agency Board Meetings. Everything that they have asked for has been given to the by the Agency and/or Board Members.

Al Teetsel thinks that if any member of the legislature has a question they can pick up the phone and call any one of them at any time. If they have serious concerns they can come in and meet with Tim Rose or anyone at any time. But to have a give and take during a public meeting, he has issues with that.

Charles Landi states that a well defined resolution or a well defined amendment to the By-Laws could be looked into Tracey Bartels made a statement that while she was liaison to the Agency Board she was allowed access to Executive Sessions, etc.

Leon Smith stated that the Agency has no say so in whether or not the legislators can sit in on the board. That is up to the legislators and the state. It's not even worth the Agency to be discussing. As far as amending the by-laws to allow for a legislator to sit in as a liaison or to speak at our meetings, that we have a say so in. So if Landi wants to bring it to the board officially, he can do so. Landi happens to have one that he has drafted but it cannot be voted on this evening because the by-laws state that it must be given to the board members at least 7 days prior to being voted upon.

Tim Rose said that the excavator we ordered in February was delivered today. The four leachate tanks that were ordered have been delivered and on Monday they are going to start setting the new tanks in New Paltz.

Tim Rose also said that 75% of the towns are up for renewal on the one year extension on October 1st. Instead of doing a 1 year renewal, he would make it a 1 year and 3 month renewal to make it coincide with the

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end of the year, making it easier for all parties. He has received some of the contracts back but cannot sign them without Board approval. Next month there will be a resolution that will give the Executive Director the ability to sign the renewals with the towns as they come in. This contract is just an extension of the Solid Waste Management Contract already in place with them.

County Waste and Royal Carting requested consideration regarding flow control rates and their contracted rates at the last Board Meeting and the Board stated they would revisit the issue and give their decision at the next board meeting.

The major concern appears to be setting precedence. Once the Agency starts changing the rates for one person or company, it won't be long before others are asking for the same thing. Michelle Bergkamp stated that with regard to the school districts, a good bulk of their material is compostable and the haulers could save costs with encouraging the schools to compost more.

The Board decided that the Agency would stay at the same rate with County Waste and Royal Carting. Ken Gilligan was going to compose a letter of reply to them with regards to the decision.

Leon Smith said that they other issue was the Yogi Bear Campground that was at the last meeting requesting similar consideration. Ken Gilligan reviewed the flow control law, which is a county law, not a Resource Recovery law and he doesn't see any wiggle room there. Dominic Tagliafierro stated again that again, it would be a bad precedence to set if the Agency made special accommodations for the hauler. The board and agency staff discussed the possibility of the waste going to another county and also the waste going to a town transfer station. Again it is an issue of setting precedence. If one hauler at the edge of the county is allowed special considerations, other haulers will look for the same. Regarding going to a town transfer station, the town transfer stations do not have scales as well as the towns are charged a different rate. The Agency also transports the waste from the town transfer station to the agency, so if Thompson Sanitation was allowed to dump in Wawarsing to 'save the cost' of having to haul the waste to the New Paltz Transfer Station, then the Agency would be the one picking up the cost to in turn, bring the waste to the Kingston Transfer Station. Ken Gilligan was going to compose a letter of reply with regards to the decision.

NEW BUSINESS

MOTION to go into Executive Session at 6:15pm to discuss legal matters with Flow Control was made by Al Teetsel and seconded by Catherine Nilsen. Five in favor. None opposed.

Motion to come out of Executive Session was made by Al Teetsel and seconded by Charles Landi. Five in favor. None opposed.

MOTION to ADJOURN the June 17, 2013 Regular Board Meeting at 6:30pm was unanimously approved.

AYES 5 NAYS 0 ABSENT 0

The above transcribed Minutes of the June 17, 2013 Regular Board Meeting were **UNANIMOUSLY APPROVED** by the Board.

Date: July 15, 2013