

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

May 20, 2013

The Ulster County Resource Recovery Agency held a Regular Board Meeting on May 20, 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. Dominic Tagliaferro 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 noted that there are visitors wishing to speak. County Waste and Royal Carting were expected to attend. Royal Carting was unable to attend.

Greg Hee, County Waste, referenced the emails that had been distributed to the Board Members. He states that both County Waste and Royal Carting are servicing the Ulster County Schools and BOCES through a Bid that had gone out in 2010. The bid is a very aggressive bid and County Waste did get the majority of the schools. Although the schools are bid at a very low margin, all the disposal costs stayed fairly consistent with the markets. With the implementation of Flow Control and the subsequent price increases that went through shortly thereafter, it made the numbers unsustainable for how close and tight the bid numbers were to begin with.

County Waste and Royal Carting proposes that the Agency consider a discounted rate on an average monthly tonnage based off of 10 months out of the year. Summer months are not included in this calculated average and a school credit be applied rather than burdening the schools with the increase. County Waste and Royal Carting are prepared to absorb/share a portion of the overall loss.

Charles Landi stated he had a question. He noticed that Greg Hee mentioned the Kingston School District and he wanted to know if he took into consideration that the City of Kingston is shutting down four elementary schools. Greg Hee stated that if that does occur, that will change the numbers and it is understandable as to why Mr. Landi mentioned it. County Waste does not have an issue with adjusting the amount of credit as major changes occur.

Leon Smith thanked Gregory Hee and informed him that the board will take it into consideration, discuss it and get back to him with an answer.

Michael Zalkin, Yogi Bear Jellystone Park, Woodridge. We are located on the west end of the County, about as far west as you can get, almost into Sullivan. He states that they have been doing business on that property for 70 years, he is 3rd generation and they run a fine resort under a national chain. Our hauler, is Thompson Sanitation (owner Paul Walsh).

They are now going to be facing high increases in cost or decreases in service, both of which are not good for their business. Thompson Sanitation is 9 miles away from them in Rock Hill, Sullivan County. And he disposes of waste at the transfer station in Sullivan County, 12 miles away. Now the garbage is going to have to be hauled from their park, over the mountain and to the transfer station in New Paltz or up to Kingston. He is aware of the reasons behind the flow control. He is looking for an adjustment for a six month period while his hauler works out a way to route to the Agency transfer stations.

Kevin Roberts, Ulster County Legislator, would just like to point out that he sympathizes with the gentlemen from Woodridge and that is one of the side effects of flow control that he was opposed to. But he is here to speak about potential landfills for Ulster County. He has been opposed to a county wide landfill since 2004, the first reason being that the public is dead set against any landfill in their community. Before any tax dollars or revenue is spent from this agency, he feels there should be a series of public hearings to get input reaction from the public about a potential landfill in this county. Second, the economic benefit of a landfill is overstated. It will bind us to that landfill for years and he understands that they can operate one cell at a time. We would still be burdened with the bonding issues for generations.

Tomorrows technologies are here today and he feels that we should be looking more into a biomass plant/facility located possibly within the county that would generate hundreds of jobs and electric paid for by the private sector with a tipping fee of \$45/ton and operation by 2017 if we act today on it. And that is where he feels our energy should be focused.

Legislator Ken Wishnick would like to add to Roberts comments, there is no question that sighting a landfill is a task that has all kinds of burdens and the odds are against it being successful. Nobody wants to live near a landfill and no one thinks it is fair to be dumped on. Ulster County is dumping on others. Travels several hundreds of miles and is dumped elsewhere. He is not sure if the solution is by placing a huge landfill in our borders. He thinks it is a good idea to plan for some kind of alternative from what we are doing now going into the future. Its' not sustainable long term, eventually it's going to become an area that we cannot continue to bring it to, for various reasons, capacities will be reached, the cost of transportation will increase. He agrees that there are new technologies but he disputes that they are ready to move ahead at an affordable rate, however we can welcome anyone who wants to come forward with a viable process that has been successful elsewhere. What options do we have to reduce our carbon footprint?

Paul Walsh, president of Thompson Sanitation, service provider for Jellystone Park. He would like to state that the situation is very unique, we don't normally come over in Ulster County and he hopes that the Agency can find a way that this situation can be given some leeway so that they can still provide the customer with the service that he deserves. To have to travel almost 100 miles for approximately four tons of waste every couple of days, is not financially or environmentally good for anyone.

Legislator Carl Belfiglio stated that there were a lot of emails being sent back and forth regarding sighting a landfill and he doesn't think that is where we should be looking right now for a solution. Monies that it is going to cost; Oneida-Herkimer costs were \$44 million dollars by the time they were able to open the doors. This was in 1991. Cost is probably about 80 to 90 million dollars now. There is no way that this Agency could do this without bonding and we don't have that kind of bonding power. Legislator Roberts and Legislator Wishnick are both talking about alternative thinking to the problem. He thinks we should put landfill thinking aside and talk about other technologies.

Waste reduction is a way of bringing down the current costs. He thinks the Agency is doing a good job at promoting waste reduction, he just saw a billboard on Broadway in Kingston, "Are you recycling?" sponsored by the RRA. He thinks that this agency is doing a good job at protecting the environment and recycling. He reaches

out to the RRA to help the customer on the county border, perhaps something could be worked out with the town transfer station. He understands that the agency cannot do this for everyone.

Legislator Craig Lopez thinks alternative means of disposal should be more of a private sector project instead of a county project. The things he is concerned about are the unforeseen costs. Price of litigation, the push back from environmental groups; he knows that potentially there were 21 sites in the Town of Wawarsing, he knows you will get tremendous pushback from the DEP with protecting the watershed. Those hidden costs will be high. His other concern is what keeps Ulster County from becoming like Orange County, 25 million into the project and it was never commissioned. These are not only his concerns but concerns of his constituents and others that he has been discussing this with over the past few months.

Supervisor Carl Chipman, Town of Rochester, stated that he said something before regarding sighting a landfill and it was quoted in the Freeman and he received a lot of resistance from town residents, etc. He believes a multi faceted approach. However he believes it should be more looked into with the focus on it being a regional project.

Carl Belfiglio asked if the Board had considered the request of the legislators to participate in discussions of the Board Meeting. It was allowed last month and Carl stated that he did not see a Resolution pertaining to the matter on the Agenda for this month.

Ken Gilligan said there is no resolution because what he has come up with is that there is no way that the Agency can allow that to occur, in fact it would be as if you were de facto board members and that is not permissible. The way it is set up, questions to the Board occurs during the Public Comment. If we allowed anybody else, the fact that you're legislators, to partake in Board Members discussions, we would have to open up to the entire public. Therefore the reason why there is a Public Comment period on the Agenda. You can't be classified as de facto Board Members. It's the same thing at the Legislature Meetings. You have your committee meetings where discussions do and can occur but then you have your Legislative Meeting where, after the Public Comment is over, that is it, no one else gets recognized, that is the way it is.

Ken Wishnick wanted to clarify that only members of the Board were able to partake in discussions of the matters at hand after the public comment section was over.

Hector Rodriquez wanted to get the position of the Agency in writing.

Carl Belfiglio thought it would be up to the Chairman of the Board to allow for someone to speak. He doesn't see anywhere in the documents where a legislator, especially one that is on the oversight committee, couldn't speak or ask a question.

Ken Gilligan said it doesn't matter if you are a legislator or not, you're talking about the General Public, if you are allowed, then anybody that comes in here is allowed and then nothing would get done. If you want a legal decision, he will provide one in writing.

CHAIRMANS COMMENTS

Leon Smith would like to say that anytime any legislator has asked any question to this agency or to any board member, they have received whatever they want. I know the staff here has given anybody anything that they want and he doesn't see where there is a big controversy over it.

APPROVAL OF MINUTES

The minutes of the April 15, 2013 Regular Board meeting were moved by Al Teetsel and seconded by Catherine Nilsen. The minutes of the April 15, 2013 Regular Board meeting were unanimously approved.

COMMUNICATIONS AND ANNOUNCEMENTS

The next Regular Board Meeting will be held on Monday, June 17, 2013 at 5:00pm.

GENERAL REPORTS

Tim Rose gave the MSW and recycling tonnage reports and the leachate collection report. The Agency received 117 tons less than the projected tonnage of solid waste for April 2013.

The Recycling tonnage report in the packet did not include the totals for April. Tim DeGraff and Kelly Utter went to get the correct report, Tim Rose moved on to the Commodities report.

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.

The leachate collection report, in April of last year for Ulster we did 13,000 and this year we did 188,000. In New Paltz we did 104,000 last year and 146,000 for this year.

Michelle Bergkamp notified the board that the Agency came up at the top of the list for the Grant application for the organics recovery project. It's under the Municipal Waste and Recycling Program through the DEC. They have two streams of funding for the MWRR Program which is capital projects and recycling education which she writes for her employment. The recycling capital grant is for the entire infrastructure and the engineering costs for the project, which was roughly about \$55,000. The Agency will get reimbursed half of that. That application is due on the 20th, so on the next board meeting there will be a Resolution that is required by the DEC in order to submit the application.

Composting, currently she has been working on a composting guide for the commercial sector as well as decals for bins, posters and an employee training manual. The newly revised copy of the commercial composting guide is available in print and will be put on to the website by the end of the week. We are still awaiting the final lab results for the compost but it is available and it is ready to purchase by and for the public.

Zones 1 and 2, we have screened to 3/8" minus, roughly about 125 cu yards. Zone 3 is currently in the curing phase and should be ready to be screened in about two more weeks. On average, per zone we are getting 60 to 70 cu yards. All of the screenovers are going back into our pile and used as bulking material. So everything is being recycled.

May 17th we hosted an electronics collection event for the community which was sponsored by the Ulster County Chambers of Commerce and a local business called the MacWorks. Over 50 businesses participated in the collection and we loaded a full trailer with recycle material that will be processed by our vendor. Businesses were reminded when they attended this event that they are able to bring electronics for recycling, for free, to our facility from Monday thru Friday, from 7:30 to 3:30.

To recap the HHW event we had on April 20. We had the greatest participation at this event of 571 households. We collected 32,049 lbs of electronics, 1,512 gallons of hazardous paint, 250 gallons of pesticides, 1400 lbs of pesticide solids, 1650 lbs fluorescent bulbs and close to 2000 lbs of other hazardous waste solids which would include aerosols, resins, adhesives, oxidizers, etc. 425 gallons of other hazardous waste liquids. Also, with the cooperation of the Ulster County Sheriff's Department as well as the Dutchess County Waste

energy facility which is where the pharmaceutical waste was finally disposed of, we collected 380 lbs of pharmaceutical waste.

The next Household Hazardous Waste event will be July 20th at the New Paltz DEC facility.

Michelle would like to mention that at the last Ulster County Legislative meeting, May 12, passed resolutions in support for extended producer responsibility and she would also like to thank the Board of Directors for the Agency for taking the initiative and leadership in supporting the resolutions and passing them on to the Legislature.

The Recycling tonnage report, looking back at last April for commingle we did 73 and this year we did 119. Glass was 34 and this year it is 59, mixed news was 176 and is now 167. Single stream was 351 and now it is 228. The OCC was at 258 and is now 234.

FINANCIAL MATTERS

Timothy DeGraff presented the treasurers report for April. Total MSW tons were 10,387 for total tip fee revenue of \$1,018,722. Sale of recyclables was \$64,831. We have total revenue of \$1,246,095 for the month.

On the expense side we did have the HHW collection day cost hit for 29,499. Total expenses for the month were \$979,321 which brings our net operating revenues to \$266,774. The year to date fund balance is at \$478,928. Basically if we can maintain these figures throughout the rest of the year, even just averaging a net operating revenue of 225 per month, it would put us around 2.3 million at the end of the year, which is pretty much what we are looking for. Our estimates appear to be spot on.

Al Teetsel motioned to accept the April treasures report, Charles Landi seconded. Four in favor. None opposed. One absent.

Timothy DeGraff presented the MRF P&L for April, which reflects much of the same as the treasurers report. For the month we were at a net income of \$10,678. He pointed out that our year to date is at \$44,198 for the MRF which is an average of about \$11,000 per month.

Resolution No. 2293 Re: Approving 2013 Revised Agency Budget

This resolution approves the 2013 revised Agency budget. The budget that was approved in October did not take into account the passing of the flow control law. The basic tipping fee for the use of Agency facilities are set at \$100.00 per ton for private sector haulers. Ulster County Municipalities will be \$90.00 per ton plus a \$40.00 pull charge unless the municipality self hauls; using their own equipment, then the tipping fee will be set at \$80.00 a ton.

Leon Smith moved to the floor Resolution No. 2293, Al Teetsel seconded. Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2294 Re: New Tipping Fee for Food Waste of \$30.00 a Ton and Proposed Sale Price of Compost Product of \$40.00 a Ton

This resolution authorizes and approves the tipping fee for food waste to be \$30.00 a ton and the sale of compost product to be \$40.00 a ton with a \$20.00 minimum.

Leon Smith moved to the floor Resolution No. 2294, Charles Landi seconded. Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2295 Re: Further Amending the Agency Capital Plan

This resolution authorizes and approves the amendments to the Agency Capital Plan to accommodate for changes due to the need to purchase new equipment.

Leon Smith moved to the floor Resolution No. 2295, Catherine Nilsen seconded. Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2296 Re: Authorize and Approve Transfer of Monies from the Bond Redemption and Improvement Fund (BRIF) to the Revenue Account

This resolution authorizes and approves the transfer of \$239,620.14 from the BRIF to the Bank of America Revenue Account to be used towards the purchase of four landfill leachate storage tanks pursuant to Resolution No. 2289 and the purchase of Volvo EC220D Excavator pursuant to Resolution No. 2286 dated February 20, 2013.

Leon Smith moved to the floor Resolution No. 2296, Al Teetsel seconded.

Motion to Amend the Resolution from the purchase of two landfill leachate storage tanks to four landfill leachate storage tanks was made by Charles Landi and seconded by Catherine Nilsen.

Vote to Amend: Four in favor, none opposed, one absent (Tagliaferro)

Vote to Pass Resolution No. 2296 Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2297 Re: Authorizing the Purchase and Payment for a Second Volvo EC220D Excavator from the Proceeds of an Installment Loan from First Niagra Bank

This resolution authorizes the purchase and payment for the Volvo EC220D Excavator with the proceeds from an installment loan from First Niagra Bank.

Leon Smith moved to the floor Resolution No. 2297, Al Teetsel seconded. Four in favor. None opposed. One absent (Tagliaferro).

ADMINISTRATIVE MATTERS

Resolution No. 2298 Re: Permitting the Ulster County Resource Recovery Agency to Negotiate the Possible Amendment to the Operating Agreement of January 1, 1992

This resolution permits the Agency to enter into negotiations with the Ulster County Legislature to discuss the possible amendment of that portion of the January 1, 1992 Operating Agreement that requires approval of the Ulster County Legislature for bonding of any Agency projects over \$500,000.

Leon Smith moved to the floor Resolution No. 2298, Catherine Nilsen seconded. Four in favor. None opposed. One absent (Tagliaferro).

Resolution No. 2299 Re: Authorizing and Approving the Purchase of Tires for Loader

This resolution authorizes and approves the purchase of tires for the 2006 950H Cat Wheel Loader. Agency staff requested bids and recommends the purchase from McCarthy Tire Service Company of New York, Inc, being the successful bidder from Project Number: 2013-03.

Leon Smith moved to the floor Resolution No. 2299, Catherine Nilsen seconded. Four in favor. None opposed. One absent (Tagliafierro).

OLD BUSINESS

Tim Rose stated that he didn't really have much to report, a couple of months ago the Board approved the purchase of a car and a pickup truck. The Agency has received the car and Tom has been using it for compliance. He informed the Board that he received a phone call today and we will be receiving the pickup truck tomorrow.

There was some repair to the Town of Lloyd landfill which the Town of Lloyd assisted the Agency with. The Agency has a great relationship with shared services for the Town of Lloyd and in lieu of the repair the Agency did some grinding for them.

Charles Landi stated that the May 7, 2013 Legislative meeting Resolution No. 0184 was referred back to the EET Committee and it will be reconsidered in the EET Committee and that had to do with adding two county legislators to the Agency Board. He stated that it was the reason why Legislator Ken Ronk changed his vote originally, so that he could pull it back out and he thought it was going to pass but he in turn salvaged it by it going back to the committee

Leon Smith would like to bring up under new business that we should be, as stated here today, investigating landfills, different technologies and joint ventures. We should think about creating a committee and adding a couple of legislators to join us and possibly some town supervisors to join us as well and let the committee see what they can come up with.

Charles Landi agreed that it was a good idea and he supports this action. Leon said that he feels it is a key to have some legislators on the committee being that we would be contacting other counties and they are going to want to talk, legislator to legislator.

Al Teetsel feels that the committee will be helpful to coming up with a solution.

Leon Smith asked for the boards support, a Motion, to send a letter to the legislators asking them for their help on a committee.

Ken asked if the committee is limited to Ulster County or would it be other counties as well. Leon said he feels it should be open to anyone with an interest in this county or another county to be able to sit on the committee. Al Teetsel stated that he feels the first couple of meetings would be just from Ulster County.

Charles Landi moved, Al Teetsel seconded. Four in favor, none opposed, one absent.

NEW BUSINESS

Leon asked if the Board wanted to discuss the campground situation that they heard on today. The Board decided to think about it and discuss it at the next meeting. Charles Landi said that once that door is open, it opens a case for others. Charles Landi asked if they were a 503(c) operation. It was clarified by Tim Rose and Ken Gilligan that they are a franchise.

Ken Gilligan said they make a compelling case, but it comes down to the fact that Flow Control is a county law, and he thinks it's out of the Agency's hands.

MAY 20, 2013 REGULAR BOARD MEETING MINUTES

Leon stated that the Board will discuss the County Waste and Royal Carting issue and report at the next scheduled board meeting.

Charles Landi requested executive session to discuss contract negotiations with the local 445.

MOTION to go into Executive Session at 6:18pm to Contract Negotiations with the Local 445 was made by Charles Landi and seconded by Leon Smith. Four in favor. None opposed. One absent.

Motion to come out of Executive Session was made by Al Teetsel and seconded by Charles Landi. Four in favor. None opposed. One absent (Tagliafierro)

MOTION to ADJOURN the May 20, 2013 Regular Board Meeting at 6:33 was unanimously approved.

AYES 4 NAYS 0 ABSENT 1 (Tagliafierro)

The above transcribed Minutes of the May 20, 2013 Regular Board Meeting were **UNANIMOUSLY**
APPROVED by the Board.

Date: June 17, 2013