

**ULSTER COUNTY RESOURCE RECOVERY AGENCY
MINUTES OF THE REGULAR BOARD MEETING
DECEMBER 26, 2018**

The Ulster County Resource Recovery Agency held a Regular Board Meeting on December 26, 2018 at 999 Flatbush Road, Kingston, NY.

The proceedings were convened at 12:04pm.

The following Board members were present: Chairman Fred Wadnola (arrived at 12:36pm), Vice Chairman David Gordon, Treasurer Charles Landi, Member Jack Hayes, and Member Brian Devine (absent).

Also present were: Executive Director Timothy Rose, Counsel/Secretary Kenneth Gilligan, Controller Tim DeGraff, Operations Manager Charlie Whittaker, Compliance Officer Tom Briggs, Acting Recycling Coordinator Melinda France, and Clerical Secretary Brenna Whitaker (excused).

From the public: Daily Freeman reporter William Kemble, City of Kingston Mayor Steve Noble, Legislator Manna Jo Greene, Greenway Environmental owner Shabazz Jackson, Hurley residents Robert and Chin Rivera, and Woodstock resident Hugo Jule.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Shabazz Jackson stated that he had submitted an application to be appointed to the Agency's Board in November. He said that he has not yet heard back and asked the Board how long the process normally takes.

David Gordon said that the applications go through the Ulster County Legislature and the Agency is not involved in the application or appointment process.

Kenneth Gilligan added that he should contact the legislative clerk, Fawn Tantillo, to find out if his application was received.

Manna Jo Greene detailed the process of the appointment process, and agreed that Fawn Tantillo would be the person to contact about the receipt of applications.

CHAIRMAN'S COMMENTS

No Chairman's comments.

APPROVAL OF MINUTES

David Gordon motioned to approve the Minutes of the November 28, 2018 Regular Board Meeting. Moved by Charles Landi and seconded by Jack Hayes. 3 in favor, 0 opposed, 2 absent (Wadnola, Devine).

COMMUNICATIONS AND ANNOUNCEMENTS

Tim Rose stated that the Agency's annual Organizational Meeting will be held on January 23, 2019 at 12:00pm, immediately followed by a Regular Board Meeting. Both will be held at the Agency's Main Office at 999 Flatbush Road in Kingston.

GENERAL REPORTS

Tim Rose presented the MSW, Recycling Tonnage, Recycling Market, and Leachate Collection reports.

MSW

Tim Rose stated that the MSW target tonnage for November was 10,712, compared to the actual amount brought in which was 11,286 tons, a difference of 574 tons to the good. The sludge target was 317 tons and the actual tonnage brought in was 277, a difference of 40 tons. YTD for MSW is 10,237 tons to the good, and short of our sludge target by 246 tons.

David Gordon asked how the performance of the stock market relates to the Agency's revenue.

Tim Rose responded that the Agency hasn't seen any impact on revenues from the recent downturn in the stock market, but that he has heard that economists are predicting a recession in 2019 that would likely affect us.

David Gordon asked if we budget for possible recessions.

Tim DeGraff said that it wouldn't be possible, as he creates the budget in the summer of the prior year. He added that he doesn't believe the stock market directly affects Agency revenues.

RECYCLING TONNAGE

The Recycling Tonnage report:

	NOVEMBER 2017	NOVEMBER 2018
COMMINGLE	41.58 tons	58.78 tons
GLASS	41.29 tons	29.36 tons
MIXED NEWS	94.99 tons	115.05 tons
SINGLE STREAM	629.54 tons	425.23 tons
OCC	105.59 tons	186.91 tons
FOOD WASTE	212.50 tons	329.87 tons

RECYCLING MARKET REPORT

Tim Rose explained the Recycling Market Report for November 2018. The report shows the price we were offered for each commodity. NR means no response.

Tim Rose said that two more companies have requested to bid on our recyclables, Sims Municipal Recycling out of Brooklyn and ESF out of Canada.

There was no vote on the recycling market report.

LEACHATE COLLECTION

Tim Rose stated that in November 2017 the total amount of leachate out of Ulster was 35,000 gallons; in November 2018 it was 378,000 gallons. Out of New Paltz in November 2017 the total amount was 42,000 gallons and this November's total was 217,000 gallons.

RECYCLING PROGRAM UPDATE

HHW and Pharmaceutical Waste Collection Event

- Melinda France stated that in 2018 1,000 Ulster County residents utilized our HHW events. A total of 25,931lbs and 8,308 gallons of hazardous waste and 880lbs of pharmaceuticals were collected.

Outreach/Tours

- Melinda France stated that on December 5th she conducted a tour for a group of Marist students concentrating on environmental studies.
- On December 8th Melinda France ran an Upcycling Project Event, attended by 8 children ages 3-13. Melinda shared photos of the children with their projects.
- On December 12th Melinda France and Tim Rose attended the HVRC meeting at the Town of Mamakating Environmental Education Center.
- On December 17th Melinda France attended a meeting regarding composting at the Scarsdale Recycling Center with Tim Rose as well as Carla Castillo and Julie Noble.
- Also on December 17th, Melinda France attended the Recycling Oversight Committee with Tim Rose, Charles Landi, and Charlie Whittaker.
- On December 19th Melinda France visited Sims Municipal Recycling Center in Brooklyn with Tim Rose and Charlie Whittaker. Tim Rose explained Sims' dual-stream operation to the Board. Melinda shared photos from their tour of their facility.

Electronics

- Melinda said that during the month of November, the Agency had approximately 297 people utilize the e-waste program. Of that number, 266 were residents, 8 were non-profit organizations, 16 were businesses, and 7 were government entities. A total of 239 TVs and 262 computers were recycled.

Compost

- Melinda stated that compost testing was done on December 3rd; results will be posted to the Agency's website. She added that 31 compost bins were sold during the Agency's holiday sale, where bins were reduced to \$27.50.

FINANCIAL MATTERS

Treasurer's Report and MRF Cost Center Analysis.

TREASURER'S REPORT

Tim DeGraff presented the November 2018 Treasurer's Report.

For the month of November, we did 11,286 tons. No revenue line items of note. Total revenue of \$1,348,226. Expense line items of note: Personnel expenses are higher, \$288,226, due to three payrolls in the month. Compost operation expenses are \$14,386 due to the concrete pad repairs. Host Community Benefit (HCB) is higher at \$41,360 as it always is in May and November due to contractual related surcharges for New Paltz. Total expenses were \$1,132,313. Net operating revenue and Fund balance for the month was a positive \$215,913. Year-to-Date fund balance is a positive \$878,019.

David Gordon motioned to approve the November 2018 Treasurer's Report. Moved by Charles Landi and seconded by Jack Hayes. 3 in favor, 0 opposed, 2 absent (Wadnola, Devine).

MRF COST CENTER ANALYSIS

Tim DeGraff presented the November 2018 MRF Cost Center Analysis report. For the month of November, we did \$30,824 in tipping fees. The total sale of recyclables was \$9,001 due to the sale of cardboard only. SSR disposal fees were \$26,716. Total personnel expenses were \$39,598 due to three payrolls in November. Total expenses were \$47,634. Net loss for the month of \$36,415. Year-to-date net loss of \$359,708.

ADMINISTRATIVE MATTERS**Resolution No. 2464 RE: Authorizing and Approving the Cost of Living Increase for the Executive Director**

Tim Rose explained that this resolution would give him a 1.75% cost of living raise, which is what the administration and union staff get for 2019 per the union contract.

Fred Wadnola moved to approve Resolution No. 2464 RE: Authorizing and Approving the Cost of Living Increase for the Executive Director. Seconded by Charles Landi. 4 in favor, 0 opposed, 1 absent (Devine).

Resolution No. 2465 RE: Authorizing and Approving the Purchase of Five 30 Cubic Yard Roll-Off Containers

Charlie Whittaker stated that these boxes are to be used as spare boxes for glass, so that it can be moved without being stored on the ground.

Tim Rose said the boxes will be purchased from Source Well, which was previously NJPA. He added that the boxes are manufactured locally in Columbia County.

Charles Landi moved to approve Resolution No. 2465 RE: Authorizing and Approving the Purchase of Five 30 Cubic Yard Roll-Off Containers. Seconded by Jack Hayes. 4 in favor, 0 opposed, 1 absent (Devine).

Resolution No. 2466 RE: Authorizing and Approving Engineering Services to Prepare and Submit Part 360 Permit Renewal Applications for the Ulster County Resource Recovery Agency

Tim Rose said that the Agency's 10 year permits for Ulster and New Paltz are up in 2019. An engineering firm needs to reapply for the permits. Tim said that he chose the engineering firm Barton & Loguidice, P.C. This company quoted \$10,000 for their services, which Tim believes to be a very good price.

Fred Wadnola motioned to approve Resolution No. 2466 RE: Authorizing and Approving Engineering Services to Prepare and Submit Part 360 Permit Renewal Applications for the Ulster County Resource Recovery Agency. Moved by Charles Landi and seconded by Jack Hayes. 4 in favor, 0 opposed, 1 absent (Devine).

OLD BUSINESS

Mayor Noble recapped his discussion with the Board at the last meeting on December 10th. He said that the Board seemed open to a six month extension for accepting single stream recycling (SSR). He added that though both he and the Department of Public Works staff believed that the City of Kingston's transfer station was not set up to handle SSR at the current capacity, the Board wanted to send Agency staff to the transfer station to make their own assessment about the City's ability to process the material.

Steve Noble continued that after Agency staff visited the City's transfer station, they came to the conclusion that the transfer station has the ability to process SSR, leading the Board to deny Mayor Noble's request for an extension. He said that because he and his staff still believed that the City is not actually able to handle SSR, he requested the DEC do their own site assessment. He said the DEC had concerns about the use of the transfer station, including that it doesn't have an up-to-date permit and a lack of floor space. He stated that the letter from DEC concerning their assessment was sent to the Board.

Tim Rose stated that the DEC told him that the application is only one page and that it could be completed in two weeks. He said that the application is the same one that the towns fill out for their own transfer stations.

Mayor Noble replied that he doesn't have two weeks to wait for permit approval, since the deadline for the Agency accepting SSR is in less than one week.

David Gordon said that the biggest issue for the City and the Agency is the lack of trucking and lack of time. He continued that another concern is our compost operation, but that the Agency has not been able to go out to bid yet for the bagger. He said that he would be willing to consider giving the City a one month extension.

Tim Rose said that Charlie Whittaker spoke with Republic on December 24th, and was told that they would provide the trucking for an additional \$25 per ton.

Charlie Whittaker added that he was also advised by Republic that because some of the markets dipped that the price of SSR will be going up as of January.

Fred Wadnola expressed his frustration that the Board is down to the wire because the City couldn't come up with a plan in the past six months.

Charlie Whittaker stated that there are times that Republic doesn't have a truck to send, leaving him in a bind because he needs the Agency's trucks for other things like hauling leachate.

Jack Hayes suggested the Board create a new resolution including the financial impact of the City's request. He noted that so far the talk of financial impacts to the Agency have been vague.

David Gordon replied that going forward there would have to be no financial impact to the Agency whatsoever.

Jack Hayes stated that the Board needs to create a new resolution, then hold a Special Meeting to vote on it.

Charles Landi outlined his concerns, including the 2019 budget that does not include SSR, the loss of floor space in the MRF to be used for compost bagging, and the requests of other haulers for an extension. He stated that it is clear that the City's transfer station is capable of handling SSR itself. He read parts of the DEC's letter to the City, explaining the steps needed to become permitted. He also added that he doesn't appreciate Mayor Noble insinuating that he and Charlie Whittaker were trespassing on the City's property when they went to inspect the Transfer Station, as he did notify the Department of Public Works that they would be there.

Charles Landi continued that his suggestion to the Tim Rose and Fred Wadnola is to have the City turn control of their transfer station and recycling operation to Charlie Whittaker, the Agency's Operations Manager, who has 35 of experience in this industry and is highly capable.

Mayor Noble expressed his frustration that he has done everything in his power to comply with the Agency, and that the Board is making things unnecessarily difficult so that the Agency can bag compost. He added that the Agency told the City to move toward SSR in the first place.

Charles Landi responded that Mayor Noble is acting as if the Agency created this problem, when in fact the issue is a global one.

Tim Rose added that in fact the Agency only allowed the City to switch to SSR upon being asked by the City. He added that at that time the City told the Agency that they planned to process it themselves.

Charles Landi continued to recommend sending Charlie Whittaker to the City's transfer station to set up their operation. He stated that in the last six months, the City could have gotten their transfer station ready themselves.

David Gordon responded that it wouldn't be fair to force Charlie Whittaker to rush to set up the City's operation in the next two weeks. He said that a one month extension is more reasonable.

Charles Landi said he would not agree to a one month extension. He added that the he will agree to a two week extension at most.

Kenneth Gilligan reminded the Board that an extension for the City would also needed to be open to everyone else.

David Gordon replied that he believes the extension should only apply to the City.

Tim Rose responded that Charlie Whittaker has already heard from other haulers that they expect the extension to apply to them as well.

Mayor Noble outlined the issues associated with using the City's transfer station for SSR.

Charlie Whittaker explained the technical aspects of how the City could make it work, and included the cost savings.

Mayor Noble disagreed with Charlie Whittaker's suggestion, and the two of them discussed how the operation could work.

Mayor Noble said that in the end, it seems to come down to the question of how much he can pay the Agency to delay their compost bagging operation. He said that at this point his only other option is to issue an Executive Order to all City residents that dual stream recycling will begin on January 1st, and residents will have to provide their own bins.

Charles Landi said that he does have the option of throwing all of the City's SSR into the trash.

David Gordon replied that the DEC would never allow that.

Manna Jo Greene asked Mayor Noble why the City cannot just drive directly to Republic's facility.

Mayor Noble responded that the City's trucks could not both pick up SSR from residents and deliver it all the way to Beacon.

Jack Hayes asked what the point would be of a one month extension.

David Gordon said that the Agency and the City need more time for Charlie Whittaker to help the City set up their own operation.

Mayor Noble said that it seems backwards to spend taxpayer dollars to overhaul the City's transfer station to accommodate SSR, when they are in the process of transitioning away from it. He added that it seems wasteful when the City only needs a few months to complete the process.

Kenneth Gilligan asked everyone to stop for a moment, stating that the Board needs to outline exactly what it wants to do.

Jack Hayes stated that he believes there is no way to open up an extension to only the City.

David Gordon disagreed, saying that during a legitimate emergency the Agency can in fact open up an extension to only one entity.

Kenneth Gilligan replied that it would still open the Agency to lawsuits. His advice is to open the extension up to everyone, should the Board decide to give one to the City. He read an example resolution.

Manna Jo Greene suggested that the Mayor should meet with Agency staff at the transfer station to move toward a solution.

David Gordon agreed, and asked what date the Board can meet with Agency staff and the Mayor and his staff.

Fred Wadnola said that he would support a four month extension, with the Mayor hopefully moving up the completion date of the transition.

Mayor Noble stated that he doesn't want to rush the process any more than he already has if at all possible, because he understands the need to deliver a clean product to the Agency.

Charlie Whittaker said that if we give the City a four month extension, the Agency will completely miss the big sale of compost in the spring.

Tim Rose added that he will have to notify the County about the Board's decision as well, since they are working with him to purchase the bagging machine.

Charlie Whittaker proposed a one month extension, so that Mayor Noble can attempt to get his transfer station permitted, and the two of them can work together to get his facility working.

Tim Rose said that as an authority, we should open the extension up to everyone.

Jack Hayes suggested we declare a limited state of emergency in regard to the City's recycling.

Kenneth Gilligan responded that declaring a state of emergency is something the City would have to do.

Tim Rose said that he takes compliance very seriously, and absolutely does not want Mayor Noble to have to operate out of compliance with the DEC. He told the Board that he has absolute faith in Charlie Whittaker to help the City get their operation running, but that doing so will require some sort of extension.

Kenneth Gilligan asked the Board to come to a consensus about what length of time to give the City. He recommended giving them two months.

Tim Rose said that in that case, Mayor Noble will need to file his application by the end of the week.

Mayor Noble agreed, as long as he can meet with Charlie Whittaker beforehand.

Kenneth Gilligan read a new draft resolution to the Board, which states the following:

Resolution No. 2467: UCRR Resolution No. 2445 dated June 27, 2018 is hereby modified to take affect at the close of business on February 28, 2019. Subject to their being no cost to the Agency, billing to be post hoc.

Tim Rose stated that they need to figure out how the Agency will be charging.

David Gordon said that the pricing will be on a post hoc basis, billing the users for the Agency's cost after they're incurred.

Tim DeGraff responded that there is no way to bill haulers after the fact if they do not have an account with the Agency, which many do not.

David Gordon stated that the haulers will need to create an account with the Agency if they want to dispose of SSR.

Tim Rose answered that not every hauler is able to have an account with the Agency due to past billing issues.

Fred Wadnola suggested the Agency set a daily rate.

Tim Rose replied that there is no way to set a daily rate when the Agency does not know what it's being charged.

David Gordon suggested companies give the Agency a \$50,000 deposit to accept their SSR.

Tim DeGraff and Kenneth Gilligan both said that there is absolutely no way to do that.

Mayor Noble asked if at this point the Agency would prefer that the City just declare an emergency and start accepting only dual stream as of January first with alternating pick-ups.

Kenneth Gilligan stated that he doesn't understand why billing the companies after the fact would be an issue.

Tim Rose reiterated his earlier point that not all users have an account with us, and some are not allowed to have an account.

Jack Hayes added that according to Tim DeGraff, that only applies to about four to five companies.

Tim DeGraff said that setting a daily rate would be the best way to go, but that the Board would need to determine what that amount would be. He added that currently the Agency charges users a daily rate of whatever the Agency was charged for SSR the prior month, plus \$15 per ton.

David Gordon suggested setting a rate of \$115 per ton, which would stay in place unless the markets change drastically.

Tim Rose agreed with that idea, adding that we can set that rate for one month, then set the rate again at the February meeting.

Mayor Noble said that this is a step in the right direction.

Charlie Whittaker noted that if the plant shuts down, the Agency won't be able to take SSR at all.

Kenneth Gilligan, David Gordon, and Tim Rose discussed that the resolution must account for that possibility.

The final resolution states the following:

Resolution No. 2467: UCRRA Resolution No. 2445 dated June 27, 2018 is hereby modified to take affect at the close of business on February 28, 2019. The Agency's rate for single stream recycling from January 1, 2019 until the close of business on January 31, 2019 will be set at \$115.00 per ton, subject to Republic having the necessary trucks to transport the material to their Beacon, NY facility. Financial impact to the Agency will be \$0.00.

The Board collectively decided they were ready for a vote on the new resolution.

Resolution No. 2467 RE: Authorizing and Approving the Modification of Ulster County Resource Recovery Agency Resolution No. 2445 dated June 27, 2018

Fred Wadnola motioned to approve Resolution No. 2467 RE: Authorizing and Approving the Modification of Ulster County Resource Recovery Agency Resolution No. 2445 dated June 27, 2018. Moved by Jack Hayes and seconded by Charles Landi. 4 in favor, 0 opposed, 1 absent (Devine).

NEW BUSINESS

No new business.

CLOSING

Fred Wadnola motioned to adjourn the December 26, 2018 Regular Board Meeting. Moved by Jack Hayes and seconded by Charles Landi. 4 in favor, 0 opposed, 1 absent (Devine).

January 30, 2018.

Motion to approve the above transcribed Minutes of the December 26, 2018 Regular Board Meeting was made by Fred Wadnola, moved by _____ and seconded by _____. 5 in favor, 0 opposed, 0 absent (Wadnola). The Minutes were APPROVED by the Board.

Transcribed by: Brenna Whitaker, Clerical Secretary. Minutes are recorded.

Signatures:

Fred Wadnola, Chairman

Ken Gilligan, Secretary

Brenna Whitaker, Clerical Secretary

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