

DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

JANUARY 21, 2016 – MEETING MINUTES

A meeting of the Dutchess County Resource Recovery Agency convened at 5:00 p.m. at the offices of the Agency located at 96 Sand Dock Road, Poughkeepsie, New York. Those present included J. Small, Chairman; W. Nussbickel, Treasurer/Secretary; and Board Members, T. LeGrand, and R. Frost; Agency Staff, W. J. Calogero, and D. Walsh; Agency Counsel, J. Nelson; D. Leibnitz, HDR; and P. Schwer, Wheelabrator Dutchess County LLC.

- 1. Regular Session** – Chairman J. Small called the meeting to order at 5:10 pm.
- 2. Minutes** – Chairman J. Small presented the minutes of the December 17, 2015 board meeting. A motion to approve the December 17, 2015 board meeting minutes was made by T. LeGrand, seconded by W. Nussbickel and unanimously approved.
- 3. Operating Report** – The Facility received 14,069 tons of waste in December. The yearly budget set for 154,000 tons was satisfied. The actual yearly tonnage totaled 155,033, exceeding the budget by 1,000 tons. There was an increase in electrical generation produced from last year, 43,455 MWH compared to 43,086 MWH in 2014.
- 4. Engineer Report** – In December, the Facility ran well with the availabilities on Units #1 and #2 being 99.6% and 95.8% respectively. In December, the turbine/generator had an availability of 93.0%. The turbine was down in the continuation of the November outage for the lube oil leak and Unit No. 2 was down for a scheduled period of tube repairs. The December performance of the Facility, based on Net Agency Tons was as follows:

Total Net Agency Tons (NAT): 14,060.42
Electrical Production Efficiency: 289.24 kWh/NAT
Ferrous Metal Recovery: 4.44 percent of NAT
Ash Residue Ratio: 33.45 percent of NAT

The annual reconciliation for 2015 is almost complete – at the present time it is forecasted that the following will be the results:

Total Processed Tons: 153,613
Electrical Production Efficiency: 282.89 kWh/processed ton
Ferrous Metal Recovery: 4.26 percent of total processed tons
Ash Residue Ratio: 35.17 percent of total processed tons

The annual reconciliation will result in a net repayment to WTI of prior penalties withheld totaling approximately \$32,320.00.

In December HDR completed the 2015 Engineer of Record reports of the General Bond Resolution of 1998 as supplemented and accepted by Manufactures and Traders Trust Company.

The Facility started receiving double loads of TRMW on December 7, 2015 but was forced to suspend receiving the TRMW planned for December 21 due to two carbon monoxide (CO) excursions that occurred over the weekends of December 12 and December 19. Discussions with the NYSDEC are scheduled for January 27, 2016. It is anticipated that the Agency will receive a notice of violation related to these two CO excursions but will argue that the excursions occurred within the 90-day shakedown period given to the Agency by the NYSDEC and therefore should be excused.

The fourth quarter, second semi-annual and annual 2015 Title V permit compliance certification reports (due February 1st) and the Title V air permit renewal application (due March 11) are proceeding on schedule.

Phil Schwer, of Wheelabrator spoke how about how he is now working on site full time. He is looking forward to a good year and reported that he is off to a good start. He has already seen a change within a week amongst the staff in the ability to be here every day and their ability to follow change orders. With the level of supervision here on a regular basis the plant should run more efficiently.

5. **Agency Financial Report** – The payables were presented in the amount of \$801,947.92. T. LeGrand inquired about the Selective Insurance bill. W. Calogero replied that it is the annual commercial package that covers vehicle and truck insurance. A motion to pay the bills as presented for \$801,947.92 was made by R. Frost, seconded by T. LeGrand and unanimously approved.

Under the Profit & Loss Analysis Chairman J. Small spoke about the Engineering annual budget of \$180,000 for general engineering services and how it is \$106,735 over budget. D. Leibnitz replied that this number has been used for years. It is the general engineering fees charged for a year provided that there are no extra services throughout the year. This year there was the USEPA data request submittal task that required documents from July 2014, the additional environmental work done that Wheelabrator was not able to complete, work with the NYSDEC on the renewal processes for the Facility Operating Permit, in addition to extensive work with the NYSDEC to bring into the Facility the treated regulated medical waste.

6. **Executive Session** – A motion at 5:30 pm to move into Executive Session was made by R. Frost, seconded by W. Nussbickel and unanimously approved for attorney/client privilege discussions on matters involving litigation and for the hiring/firing of a particular person, firm or corporation.
7. **Regular Session** – The meeting resumed back into public session at 6:55 pm. A motion was made by R. Frost, seconded by T. LeGrand and unanimously approved (4-0) to adopt Resolution 812 to hire the firm of Iseman, Cunningham, Riester & Hyde LLP (David Wise) as labor and employment counsel. An oral motion as made by R. Frost, seconded by T. LeGrand

and unanimously approved (4-0) to ratify the execution of a Common Interest Agreement with Dutchess County.

With no further business to discuss at 7:00 pm a motion to adjourn the meeting was made by W. Nussbickel, seconded by R. Frost and unanimously approved.