

DUTCHESS COUNTY RESOURCE RECOVERY AGENCY MAY 1, 2023 – SPECIAL MEETING MINUTES

A special meeting of the Dutchess County Resource Recovery Agency convened at 4:30 pm at the offices of the Dutchess County Resource Recovery Agency located at 96 Sand Dock Road, Poughkeepsie, New York. Those present included W. Nussbickel, Chairman; D. Petrovits, Vice Chairman; S. Tinkelman, Treasurer; Board Members, D. Michael and J. Miccio; Agency Staff, K. Russell and D. Walsh; and E. Wrafter, Dutchess County Commissioner of Planning & Development.

Chairman W. Nussbickel called the meeting to order at 4:31 pm.

The purpose of the special meeting was to discuss the New York Climate Leadership and Community Protection Act (CLCPA), to address a request from Win Waste to replace their Letter of Credit with a Bond, and to further discuss and approve various resolutions.

K. Russell spoke about her meeting with NYSDEC on February 28, 2023 over the CLCPA. The overall assessment of the meeting was that there was consensus that the Resource Recovery Facility is a well-run facility and that they do not want to see it stop operating. It was stated that incineration is the more beneficial method of waste disposal over landfilling and the Facility would be needed in the future. The Facility will have to meet all upcoming regulations and clean air standards which have not been developed. There are conflicts between the CLCPA and existing regulations. For example, the Facility's Part 360 permit requires incinerators to generate electricity but the CLCPA has a 2040 goal of zero emissions for all energy generation facilities.

Next steps to be addressed:

1. Continue to engage with the NYSDEC to ensure our Facility is on the preferred list going forward
2. Engage with the NYSDEC on required permits and work towards applications for a new Part 360 Permit and Title V Permit
3. Discuss the needs and desires to expand the Facility to include a 3rd boiler.
4. Initiate discussions with Win Waste about the Facility after their contract expires in 2027

J. Petronella of NYSDEC offered to meet with the Agency to assist with the process. K. Russell will set up a meeting and advise the Board.

K. Russell stated that Win Waste has been in contact with Agency Counsel J. Mackey over a request to replace their Letter of Credit with a Bond. Counsel is presently working on the accrued claims issue and are requesting that it be one year retroactive. Discussions are still in progress. The Board requests a meeting with Agency counsel to review the bond. It was also noted that the bond be from a New York admitted insurance company.

Resolution No. 879 Financial Statement Acceptance

The Audit Committee met to review the Agency's 2022 Financial Audit. The 2022 financial audit was conducted by RBT CPA's. LLC. There were no disagreements or recommendations with management over the application of significant accounting principles, the basis for management's judgments on any significant matters, the scope of the audit or any significant disclosures to be included in the financial statements.

A motion to approve Resolution No. 879 Financial Statement Acceptance was made by D. Petrovits, seconded by D. Michael and unanimously carried.

Resolution No. 880 2022 Forgiveness of Guaranteed Processable Waste Deliveries

Due to operational disruptions caused from Facility repairs and boiler downtimes throughout 2022, Royal Carting was instructed to divert waste to various other locations. Win Waste agreed to eliminate the Agency's contractual guaranteed annual tonnage of 140,000 tons of processable waste including any associated shortfall penalties under its Service Agreement with the Agency in 2022 and the Agency is to not hold Royal Carting accountable for its deliverance of 130,000 tons of processable waste under its Solid Waste Disposal Agreement.

A motion to approve Resolution No. 880 2022 Forgiveness of Guaranteed Processable Waste Deliveries was made by J. Miccio, and seconded by D. Michael and unanimously carried.

Resolution No. 881 Win Waste 2022 Additional Payment to the DCRRA for Royal Carting Waste Diversions

During the months of January thru April 2022 when the Facility reached its daily maximum waste storage capacity, Royal Carting was not able to deliver all of its waste and diverted 5,908.86 tons to various other locations. Win Waste agrees to the revenue loss of \$184,756.17 and will credit the Agency back two thirds, the sum of \$123,170.78, to be paid monthly in the amount of \$13,685.64 to begin April thru December 2023.

A motion to approve Resolution No. 881 Win Waste 2022 Additional Payment to the DCRRA for Royal Waste Diversions was made by J. Miccio, seconded by D. Petrovits and unanimously carried.

At 5:10 pm a motion to move into Executive Session was made by W. Nussbickel, seconded by D. Petrovits and unanimously carried to discuss Agency board memberships. The meeting resumed back into public session at 5:20 pm.

D. Petrovits commented on the frequency of the Agency's board meetings and would like to resume to monthly in person, not virtual, board meetings. K. Russell will canvas all board members to find the majority preference for the Agency's scheduled meetings.

With no further business to discuss, a motion to adjourn the meeting at 5:30 pm was made by D. Michael, seconded by J. Miccio and unanimously carried.