

DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

JUNE 2ND, 2010 – SPECIAL MEETING MINUTES

(amended 6/17/10)

A special meeting of the Dutchess County Resource Recovery Agency convened at 5:00 pm at the offices of the Dutchess County Resource Recovery Agency located at 96 Sand Dock Road, Poughkeepsie, New York. Those present included W. Conners, Chairman; E. Mills, Vice Chairman; D. Nestler, Treasurer; R. Mosca, Secretary; T. E. LeGrand, Board Member; and E. Kinkade, Board Member participated via telephone; Agency Staff, W. J. Calogero and D. Walsh; Agency Counsel, J. Nelson; County Legislators, A. Surman and S. Goldberg.

Chairman W. Conners called the meeting to order at 5:15 pm for the purpose of discussing responses to the RFP for a Local Solid Waste Management Plan for Dutchess County.

The RFP for a consultant to assist with the development of a Local Solid Waste Management Plan was sent out, notified and advertised through various means. There were three responses. At that time, Chairman W. Conners informed E. Kinkade that a package will be mailed out tomorrow to him that was written by Agency Counsel, J. Nelson, which indicates that in his opinion we are on solid ground regarding conflict of interest and as far as the Agency contracting for a consultant to do the work.

A summary grid of the three proposers in the order received was discussed in detail. The three proposers were Germano & Cahill with Gerhardt LLC as subcontractor, Spectra Engineering, and Dvirka and Bartilucci. Germano and Cahill's proposal was based on an hourly fee plus disbursements through Legislative comment at a cap of \$38,000 or an hourly fee through Legislative comment with cost benefit analysis of alternatives at \$49,000 cap. Upon the first submission to the NYSDEC, if there is any additional work based on their comments, there would be an hourly fee imposed. Chairman W. Conners remarked about his meeting with K. Brezner, the NYSDEC Region 3 Solid Waste Engineer, and informed the Board that most likely there will be comments coming back from them. Spectra Engineering proposed a flat fee of \$125,000 for all work. Dvirka and Bartilucci proposed hourly fees projected for the entire work scope with a total cap of \$95,000 plus mileage and UPS fees. There were no other disbursements that would be charged back and was noted that they would be prepared to discuss the scope of service and proposed fee in effort to reduce the fee.

E. Mills asked about the three proposers and where their respective home office and closest local office was located. W. J. Calogero responded that Germano and Cahill is from the Long Island area and Gerhardt LLC is from the Oneida-

Herkimer area. Both have extensive experience with the New York State SWMP Advisory Committee, local SWMP, and New York State waste facility management, development and permitting. Dvirka and Bartilucci headquarters is in Woodbury, New York and they have an office in White Plains, New York. They have extensive waste project development across the country. They have New York local SWMP experience and general waste planning experience. Spectra headquarters is in Latham, New York and they have an office in Poughkeepsie. They have New York waste project and facility development/permitting experience, but no state or local SWMP experience. The discussion continued and Chairman W. Conners informed E. Kinkade that he wanted to give E. Mills some additional time to take some notes as he was looking through the paperwork of the three proposals. E. Kinkade mentioned that he couldn't hear the full discussion but thought that the three proposers specialize in planning facilities to accommodate solid waste. W. J. Calogero responded that two of the proposers have planning experience with other facilities; however, Spectra has more experience in the engineering field rather than planning. E. Kinkade remarked that Germano & Cahill is primarily a law firm, not a planning group. Chairman W. Conners replied that the other partner involved with Germano and Cahill is H. Arnold. W. J. Calogero explained that H. Arnold has been involved with a number of facilities that have already submitted solid waste management plans. He was also part of the advisory group that worked with the NYSDEC in formulating the new solid waste management plan requirements. All three firms waste industry experience continued to be further discussed.

Chairman W. Conners emphasized that through his discussion with K. Brezner of the NYSDEC, the SWMP August 1st deadline must be met on time so that the plan can be adopted by year end. NYSDEC will make no exceptions. If there is no plan in place, other permits could be problematic since the Facility will not be in compliance. T. E. LeGrand added that there is no point to delay the plan. Chairman W. Conners reminded the Board that we do have work done through the 2009 Flow Control Alternatives Report and there has been additional work done on the plan from the outline provided by NYSDEC last year.

It was agreed that the Board needs to move forward with the SWMP. E. Mills remarked on how the staff had made a good solid effort in trying to solicit proposers in the time frame that was available; however, since there are only three firms to choose from, he feels it may be a good idea to contact those companies that did not respond and find out why. Discussion ensued.

T. E. LeGrand made a motion to have Germano and Cahill with Gerhardt LLC to be hired as the consultant for preparing the local SWMP, seconded by D. Nestler and amended by E. Mills. It was amended to include the cap to not exceed \$59,000, which will include any additional information required by the NYSDEC. E. Kinkade asked about the fee paid to Germano and Cahill last year for the preparation of the Flow Control Alternatives Report. W. J. Calogero responded \$62,000.

J. Nelson spoke about Resolution No. 698 presented to the Board which states that the Executive Director is to contract with the Board approved firm after contract approval by the Chairman and Vice Chairman on the standard terms that are consistent with the RFP that was sent out; the firm's actual proposal submitted; and the financial terms, which were just dictated, at an hourly rate not to exceed the cap of \$59,000.

A motion was made by T. E. LeGrand, seconded by D. Nestler and unanimously approved to award the contract to Germano and Cahill with Gerhardt LLC. E. Kinkade was not able to exercise a vote via telephone. He disagreed with the chosen firm as he feels that there has been a conclusion already done based on the study that Germano and Cahill did last year under the Flow Control Alternatives Report. Chairman W. Conners stated his own opinion to say that the study does not have a conclusion in it and that it is not a plan.

With no further business to discuss, a motion to adjourn the meeting at 6:05 pm was made by E. Mills and unanimously approved.

Respectfully submitted,

William J. Calogero
Executive Director