

# DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

## JUNE 15, 2023 – MEETING MINUTES

A meeting of the Dutchess County Resource Recovery Agency convened at 4:30 p.m. at the offices of the Agency located at 96 Sand Dock Road, Poughkeepsie, New York. Those present included W. Nussbickel, Chairman; D. Petrovits, Vice-Chairman; Board Members, D. Michael and J. Miccio; Agency Staff, K. Russell and D. Walsh.

- 1. Regular Session** – Chairman W. Nussbickel called the meeting to order at 4:35 pm.
- 2. Minutes** – Chairman W. Nussbickel presented the minutes of the February 16, 2023 board meeting. A motion to approve the February 16, 2023 board meeting minutes was made by J. Miccio, seconded by D. Petrovits and unanimously carried. Chairman W. Nussbickel presented the minutes of the May 1, 2023 special board meeting. A motion to approve the May 1, 2023 special board meeting minutes was made by J. Miccio, seconded by D. Petrovits and unanimously carried.
- 3. Executive Report** – K. Russell spoke about the high volume of incoming trash over the last two weeks. Royal diverted waste from their facility over to the Westchester facility for the first half of June. She is in discussions over the last two weeks of June as the pit is still high. The plant is burning an average of 350 tons per day with both units being online. Win Waste has also contacted Voyager trucking to assist in hauling out waste directly from this Facility. This is all in preparation of the outage for the installation back of the turbine/generator.

Boiler No. 2 was brought down for three days in June for small repairs. The 2022 annual true-up payment to Win Waste was accounted for this month. The total amount paid back to Win Waste was \$33,415.61. This amount took in consideration the Central Hudson power outage caused from the blown transformer back in June 2022. Win Waste was not penalized for the inability to generate electricity during that outage.

Bond discussions were finalized between the Agency attorney and the Win Waste attorney. Both parties agreed to amend the Service Agreement, which presently requires a letter of credit, and allow for Win Waste to provide an on-demand bond as an alternative form of security for the performance of its obligations under the Service Agreement and for the obligations of Win Waste under the parent company guaranty. The amendment will reflect the right to substitute a \$9 million on-demand bond and a \$1 million letter of credit for the current letter of credit for 18 months and then a replacement to a \$10 million on-demand bond. Chairman Nussbickel proposed a motion for the approval of the letter of credit to an on-demand bond contingent upon the approval of the County attorney and also the County Legislature if so needed. The motion was seconded by D. Michael and unanimously carried.

**4. Agency Financial Report** – The payables were presented in the amount of \$1,234,720.16.

There were no questions regarding the Financials. A motion to approve the payables for \$1,234,720.16 was made by J. Miccio, seconded by D. Petrovits and unanimously approved.

**Resolution No. 882 – Contract for Hauling and Re-Use of Ash**

The Agency issued a March 6, 2023 request for proposals for the beneficial use and disposal of its incinerator ash residue. After a brief discussion, the Board agreed to accept the proposal from Panichi Holding Corporation d/b/a Royal Carting to transport the Agency's ash residue to various New York State landfills where it will be beneficially reused. The Executive Director is authorized to negotiate and execute contracts with Panichi Holding Corporation and the New York State landfills for the transportation and beneficial reuse of the Agency's incinerator ash residue.

A motion to approve Resolution No. 882 Contract for Hauling and Re-Use of Ash was made by D. Petrovits, seconded by J. Miccio and unanimously carried.

**5. Balance Scorecard** – K. Russell stated that the month of May also had an influx of waste; 13,382 tons of incoming waste. There were no issues for Boiler No. 1 and Boiler No. 2 was down for a short time for tube leaks. The metal loads continue to have large deductions for the mix of ash and debris. More discussions with the contractor are scheduled to try to reduce those deductions since the revision to their contract allowed them to return the mix of debris at no cost. There was no penalty for ash this month as the Operator did not go over the percentage allowed.

There continues to be no net service fee.

**6. Other Business** – K. Russell spoke about the current engineering firm, D&B Engineers. Their current contract term is for one year and it expires December 31, 2023. She recommends next year using the Agency's past Engineer, Scott Mills of TRC Companies, whose knowledge of this particular plant and its operations would be vital to the upcoming changes in regulations and to the renewals of the Facility's permits.

Chairman Nussbickel spoke about the schedule of dates for board meetings. Currently the board meetings are bimonthly and with several issues going on the frequency of board meetings may have to return to monthly. Board members were asked about holding the in-between months at noon time instead of 4:30 pm and as to their preference of virtual or in person meetings. D. Petrovits replied that he believes the Charter states that the board meetings must be monthly. Staff will review the Agency's by-laws and any resolutions that may affect board meetings.

There were no violations reported from NYSDEC.

**7. Public Comment** – There was no public comment.

With no further business to discuss, at 5:25 pm a motion to adjourn the meeting was made by D. Petrovits seconded by J. Miccio and unanimously carried.