

DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

JULY 21st, 2011 – 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 E. Mills, Acting Chairman; R. Mosca, Secretary; D. Nestler, Treasurer; Board Members; T. E. LeGrand, R. Stephen Lynch, E. Kinkade, and J. Small; Agency Staff, W. J. Calogero and D. Walsh; Agency Counsel, J. Nelson; D. Leibnitz, HDR; J. McCarthy and M. Cavaliere, Covanta Hudson Valley Renewable Energy LLC, A. Surman, Dutchess County Legislator, and J. Jansen, P.E.

- 1. Regular Session** – Acting Chairman E. Mills called the meeting to order at 5:01 pm.
- 2. Minutes** – Acting Chairman E. Mills presented the minutes of the June 16th, 2011 Board Meeting. A motion to approve the June 16th, 2011 board meeting minutes was made by D. Nestler, seconded by R. Mosca and unanimously approved with R. Stephen Lynch abstaining.
- 3. Operating Report** – D. Walsh informed the Board that the monthly budget set for June was 13,016 tons and the Facility received a total of 15,101 tons that resulted in 2,085 tons over budget. The year-to-date tonnage volume remains in good standing, 80,379 actual tons versus the yearly budget amount of 69,872 tons, making the Facility 10,507 tons over budget.

The MRF monthly incoming tonnage was 477 tons in June. The tipping fee revenue was \$4,760.00 and market sharing revenue resulted in \$19,613.00. The single stream pilot program began July 1, 2011. There has been a total of 100 tons of single stream recycling material brought into the MRF to date.

The July 9, 2011 Household Hazardous Waste Day had 142 residents signed up for the event and 132 actual attendees. The Pharmaceutical Collection Program brought in 14 pounds of medications. To date, the Pharmaceutical Collection Program in 2011 has disposed 961 pounds of unused and/or expired medications.

- 4. Engineer Report** – D. Leibnitz informed the Board that since the date of the last board meeting until today the availabilities Unit Nos. 1 and 2 were 95.9% and 97.0% respectively. The only downtime on Unit No. 1 occurred due to an inboard bearing replacement that was required on the Induced Draft fan and because of a schedule boiler cleaning. Unit No. 2 has an economizer tube leak that took the boiler off-line for 22 hours. Turbine-Generator availability was 99.3%. Short duration miscellaneous nuisance trips continue to occur. Covanta continues to collect data to identify the cause.

During a brief control room inspection at noon, both units were running and producing 108,000 pph of steam and generating 8.7 MW of power. Turbine efficiency is slightly less than normal due to the high ambient temperature that reduces the efficiency of the air cooled condenser. The pit presently contains approximately 2000 tons of MSW.

The updated performance summary sheet for 2011 was presented which indicated that in June the Facility continued to run very well. The boiler capacity utilization based on a waste HHV of 4500 BTU/lb was 100.8 percent. The Facility average availability in June was 97.2 percent.

HDR reviewed the second quarter 2011 CGA Report, the second quarter 2011 Opacity Audit Report and the second quarter 2011 Title V Permit Compliance Certification Report which included the Continuous Opacity Monitoring System Performance Reports and the Continuous Emissions Monitoring System Performance Reports. HDR also reviewed the first semi-annual Title V Permit Compliance Certification Report. The public comment period for the Title V Permit Renewal ended July 13, 2011. There were no comments. HDR typically waits an additional two weeks before contacting the NYSDEC.

The working draft of the Facility's Part 360 Permit has still not been received from the NYSDEC. The final completed Facility application was confirmed received by the NYSDEC on March 16, 2011, two weeks ahead of schedule. The existing Part 360 permit expires on September 13, 2011. NYSDEC has indicated to HDR that they are awaiting approval of the Local Solid Waste Management Plan. This could become an issue if the Plan is not approved in a timely manner. It is not unusual for the NYSDEC to wait until it is very close to the expiration date to issue the permit renewal. Pursuant to state regulations, if the permit renewal approval is issued late by the NYSDEC, it is generally considered that the current permit remains in effect until the renewal is issued.

5. **Agency Financial Report** – W. Calogero presented the payables in the amount of \$1,168,766.07. A motion was made by T. E. LeGrand, seconded by R. Mosca and unanimously approved to pay the bills in the amount of \$1,168,766.07.

E. Kinkade asked about Riccelli and how their bill is exceptionally large this month and running so far fifty percent over budget. W. Calogero responded that the fuel costs have risen, the ash haulers do have a fuel surcharge fee, and Riccelli had transported more ash loads out this month than last month. A motion to approve the bills for \$1,168,766.07 was made by T. E. LeGrand, seconded by R. Mosca and unanimously approved.

T. E. LeGrand asked about depreciation and how he thought that government entities do not take depreciation. Acting Chairman E. Mills replied that in the past few years under the Federal Standards, depreciation is now being recorded on the financials. A discussion continued and was decided to continue to look into the issue further. E. Kinkade asked about the pass thru repair and replacement fee and how it was the same number from last month. W. Calogero replied that those fees are the same because it is distributed over the course of the year. E. Kinkade also inquired about the increase in accounts receivable from last month to the current month. D. Walsh replied that the Accounts Receivable report has to be printed no sooner than the 16th of the given month in order to be able to show the close of business data for the first half of the month. Last month's report was printed on June 15th so it did not circulate the balances for the first half of June's billing cycle.

6. Committee Reports

Audit Committee

R. Mosca of the Audit Committee spoke about the current RFP for Professional Auditing Services. The RFP went out on schedule. There have been some questions. The answers to those questions have been prepared and have been reviewed by the Audit Committee. The answers will be sent out tomorrow. E. Kinkade suggested that the questions and answers along with the RFP be posted on the Agency's website. All were in agreement and W. Calogero will have the information posted on the Agency's website.

Governance Committee

The Governance Committee met and reviewed a Credit Card Use Policy. The Policy was presented to all board members. A motion was made by T. E. LeGrand, seconded by R. Mosca and unanimously approved to adopt the Credit Card Use Policy as presented.

Nominating Committee

T. E. LeGrand reported that the Nominating Committee is presently working on the Slate of Officers along with the reorganization of board members to the Committees and will be able to have their recommendations ready by the next regularly scheduled board meeting.

T. E. LeGrand presented a newspaper article about flow control in Ulster County. Lawmakers in Ulster County are presently considering flow control despite the Agency board's vote against the regulations. The proposed law would give the Ulster Resource Recovery Agency broad authority over haulers to ensure that trash is accounted for. The law would require haulers to install and maintain global positioning devices on company vehicles, permit the Agency to review company records showing income from each customer and other sources that would be kept on file for three years, require each hauler to carry liability insurance for coverage of up to \$100,000 for each personal injury; \$300,000 for each accident; and \$500,000 for property damage, require local licensing of haulers, require haulers to provide the number and location of all waste or recycling containers within the County, require the Agency to be provided with daily route and collection schedules, and deny licenses for applicants convicted of a felony or misdemeanor that would render such a person "unfit" for trash collection.

- 7. Other Business** – W. Calogero spoke about the renewal of insurance policies for the HHW days held outside the Agency and of the Directors and Officers Liability Policy. Brinkerhoff and Neuville obtained three quotes for the offsite HHW days and went out to 21 different organizations for price quotes on the Directors & Officers Policy. Of those 21, 9 chose not to bid, 9 companies had no response and 3 companies gave price quotes. Those companies were RSUY, Darwin National and Beacon Insurance. After review of the policies, it was agreed to use RSUY for the Directors and Officers Policy and American Home Western Insurance for the HHW offsite coverage days. There was no further Board action taken as the fees

associated with the insurance renewals are within the guidelines of the Agency's Procurement Policy.

8. **Public Comment** – J. Jansen mentioned how she attended the Ulster County public information session on flow control. A law firm was brought in to explain how flow control could be instituted. The main argument was how did Ulster County Legislature want to pay for the differential between what it cost for them to haul the waste away and what they were able to charge in tipping fees by having the County pay for it from the County's sales tax, or did they want to institute flow control, increase the tipping fees and essentially become a user pay system. At the time of the session, the Ulster County RRA board did not make their decision. The Ulster County RRA board vote would be inputted to the Legislature, but it is ultimately a Legislative decision. There were not enough Legislators present to essentially get an idea of which way the Legislators would vote on the issue. It still remains an intense discussion.
9. **Executive Session** – A motion at 5:48 pm to move into Executive Session to discuss a particular contract was made by R. Mosca, seconded by D. Nestler and unanimously approved.

Resumed to public session at 5: 55 pm.

The meeting moved back into Executive Session at 5:56 pm to discuss a particular contract along with a personnel matter.

Resumed to public session at 7:15 pm with board members T.E. LeGrand and D. Nestler excusing themselves earlier.

A motion was made by E. Kinkade, seconded by R. Stephen Lynch and unanimously approved, carried 5-0, that the Acting Chairman E. Mills is authorized to request that the Chairman of the Dutchess County Legislature secure \$30,000, which the Legislature would use to pay MSW Consultants to assist the Resource Recovery Agency in the completion of a Local Solid Waste Management Plan, and if those funds are secured, the Acting Chairman E. Mills is authorized to contract with MSW Consultants for up to \$34,900 of Resource Recovery Agency funds that would also be used to pay MSW Consultants to represent the Resource Recovery Agency as a consultant in the completion of a Local Solid Waste Management Plan acceptable to the NYSDEC.

With no further business to discuss, the meeting was adjourned at 7:22 pm.

Respectfully submitted,

William J. Calogero
Executive Director