

DUTCHESS COUNTY RESOURCE RECOVERY AGENCY

NOVEMBER 15, 2018 – 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, S. Tinkelman, Treasurer; and J. Senft, Board Member; Agency Staff, L. Carille and D. Walsh.

1. **Regular Session** – Chairman W. Nussbickel called the meeting to order at 4:30 pm.
2. **Minutes** – Chairman W. Nussbickel presented the minutes of the October 18, 2018 board meeting. A motion to approve the October 18, 2018 board meeting minutes was made by D. Petrovits, seconded by S. Tinkelman and unanimously approved.
3. **Balanced Scorecard Report** – L. Carille updated the Board on the current condition of the Facility including the non-performance problem of the turbine. The turbine rotor needed to be shipped out again for repairs. This will be the third company to work on the turbine. There is no date yet of when it is expected to return back to the Facility. It has been 38 days so far with the Facility not producing electricity. L. Carille has asked Agency counsel to review the Operator agreement to find out if the Agency is due any additional compensation for the loss of revenue in electrical generation besides the contractual non-performance penalty. She has also asked counsel to re-examine the circumstances of the Operator's obligation under the agreement.

The boilers are running and burning waste. There were some minor repairs done to each of the boilers in October which resulted in the boilers being offline at different intervals in October. Recently, there was an issue with the control boards for the FD fan for Unit No. 2 which was repaired and brought back up in service today. The Net Agency Tons (NAT) for the month of October was 12,783. The net energy conversion performance rate with the turbine down in October resulted in 71.84 kWh/NAT, which did not meet the 307 kWh net electrical generation guarantee. The ferrous recovery efficiency guarantee of 4.0% was not met in October. The official wet ash residue of 32.0 percent guarantee was met. The value of the submitted invoice for \$806,469.92 is considered complete and approved for payment to Wheelabrator.

4. **Agency Financial Report** – The payables were presented in the amount of \$1,079,539.74. There were no questions regarding the bills submitted. A motion to approve the payables for \$1,079,539.74 was made by D. Petrovits, seconded by J. Senft and unanimously approved.
5. **Other Business** - L. Carille spoke about the contract with the Agency's counsel, Mackey Butts & Wise, LLP and how that agreement will expire the end of the year. A Professional Legal Services RFP was done on October 28, 2016 where the Agency considered the proposer's relevant experience, proposed hourly rates, skill and ability to perform the services required. The Agency is pleased with the services of Mackey Butts & Wise, LLP and wishes to continue the contract for 2019 under the stated 2018 rates. D. Petrovits suggested to add the

option to renew the contract next year at the same rate. The Board unanimously agreed. The Executive Director is authorized to extend the contract with Mackey, Butts & Wise, LLP and a motion to approve Resolution No. 850 – Contract Extension for Professional Legal Service as amended was made by D. Petrovits, seconded by D. Denisoff and unanimously carried.

There were no violations reported from NYSDEC.

There was no public comment.

With no further business to discuss, at 5:00 pm a motion to adjourn the meeting was made by D. Petrovits, seconded by J. Senft and unanimously carried.