

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT
AUTHORITY
BOARD MEETING #5**

DATE: July 7, 2005

LOCATION: Howes Cave Administrative Complex

Members Present

Charles Buck
Donald Lindberg
Meredith McNeil
Olga Podmajersky
James Powers
William Strevy
Edward Wesnofske

Members Absent

Raymond Halgas

Others Present

Gilbert Chichester
Melissa Morlang
Robin Loske
Marijeanne Broadwell
Shane Walters – Mont. Co.
Press
Public

1. Opening

Chairman Wesnofske opened the meeting at 9:40 a.m.

2. Adoption of Agenda

Donald Lindberg motioned, seconded by Meredith McNeil, to adopt the Agenda. On voice call the Agenda was unanimously approved.

3. Privilege of Floor

Chairman Wesnofske offered privilege of the floor. No one came forth.

4. Minutes of Prior Meeting

Olga Podmajersky motioned to accept the minutes of the prior meetings of April 21, 2005 and May 19, 2005 as written. Charles Buck seconded the motion. Both sets of minutes were unanimously approved on voice call.

5. Reports

Chairman

Chairman Wesnofske reported that he directed Mr. Chichester to contact the Authority's legal counsel regarding proposed legislative changes to the Public Authorities Law. The changes relate to new rules and regulations, ethics, conflict of interest, etc. Mr. Wesnofske felt that some of these changes would apply to the Authority.

Executive Director Report

Mr. Chichester reported that he has spent time on the following issues:

- **Committee Meetings**

The Operations Committee met twice and the Planning Committee met once since the last Board meeting.

The Planning Committee and staff members took a trip to Cornell University.

- **Landfills**

Time has been spent with FEMA representatives relative to the storm damage to the landfills. Mr. Chichester indicated that things are progressing in this area.

- **NYS Department of Labor Safety Inspections**

The Department of Labor (DOL) inspected both the Oneonta and Cooperstown Transfer Stations relative to safety issues. Otsego County is governed by the Binghamton region. Mr. Chichester met with a representative of the NYS DOL at the Oneonta Transfer Station to discuss the issues identified. The violations relate both to the Authority and Otsego County, since the County operates programs at the Authority sites. One of the issues at the Oneonta Transfer Station is the pigeon infestation and the feces related to it. Another issue was the lack of use of personal protective safety equipment. The safety issue at the Cooperstown site deals with tarping trailers.

Terry Bliss of Otsego County faxed a copy of the County's violations, as they relate to recycling, to Mr. Chichester. The Authority has not received copies of the violations, as they relate to waste handling, from DOL yet.

Mr. Powers asked if someone made a call to the DOL and registered a complaint. Mr. Chichester stated that he had asked the question and DOL stated that they are targeting transfer stations at this time for safety inspections.

Mr. McNeil asked if the Authority has ever asked DOL to perform safety inspections. Mr. Chichester responded that the Authority did request such a service quite a few years ago.

Mr. Chichester stated that he would be addressing the safety issues cited by the DOL.

Financial Report

Ms. Morlang reported on the March Financial Report as follows:

Page 4 – Reserve Account Activity: The amount of \$7,400 for the rebuilt crane grapple was taken from the Equipment Replacement Fund.

Page 5 – Transportation and Disposal: Year to date 65% of the waste was delivered to the Hyland and Ontario facilities and 35% of the waste was delivered to Chaffee.

Page 6 – Trailers Placed at Project Sites: During May trailers were placed at two additional project sites in Amsterdam. Five trailers were placed at a site where two houses were demolished, which yielded 131 tons of C&D material. Two trailers were placed at an apartment building that was being demolished, which yielded 63 tons of C&D material.

Page 15 – GAT: Each County is projected through May to be over their GAT by 2,600 tons (8%).

Page 16 – Outside Waste Tonnage by Hauler: About 9,400 tons of outside waste has been delivered through May.

Page 17 – C&D Deliveries: The two houses in Amsterdam weighed 144.21 tons and the Dorgen's roof job in Oneonta weighed 145.40 tons.

Page 18 – Recycling Summary: During the month of May paper was sent to the Sierra facility in the port of Albany.

Planning Committee

James Powers reported that the Planning Committee met on June 29th and took a trip to Cornell University. The Committee met with a representative from Cornell's School of Industrial Labor Relations relative to consensus building for the Board members to help build better team effort among the members. There are a few other options the Committee will be looking at.

Operations Committee

Mr. Lindberg reported that the Operations Committee met twice since the last Board meeting.

At the May 5th meeting the Committee discussed, reviewed and made recommendations as follows:

- Recommended that Golder Associates be hired to implement the Oneonta Transfer Station retrofit
- Reviewed the storm damage at the landfills
- Reviewed list of surplus equipment
- Recommended that a RFP be drafted and distributed for transportation and disposal
- Reviewed the cost of the CAT agreements and whether to continue with Milton CAT for service on the equipment

At the June 30th meeting the Committee discussed, reviewed and made recommendations as follows:

- Reviewed the repairs to the Eastern Landfill and what amount of damage FEMA would cover
- Reviewed staffing recommendations
- Reviewed equipment replacement needs
- Recommended disposal of the surplus equipment
- Discussed the need to replace weigh scales at the Amsterdam and Western Transfer Stations
- Discussed an incident at the Schoharie Transfer Station involving damage to a hauler's tire
- Discussed changes to the Northern Transfer Station
- Discussed the safety inspections that were performed by NYS Department of Labor at the Oneonta and Cooperstown Transfer Stations

Mr. Strevy asked if the differences between FEMA and the Authority relative to the damages at the Eastern Landfill had been resolved. Mr. Chichester responded that FEMA had been provided with the engineers report on the damages and Mr. Chichester would be meeting with FEMA the following morning to discuss the differences. After a previous meeting the gentleman from FEMA realized that he did not figure in the material to drain the water off the landfill after it is repaired. Mr. Chichester felt that the differences would be resolved.

Mr. Powers asked what the Operations Committee recommended relative to the CAT agreement. Mr. Chichester responded that the Operations Committee recommended that another full time person be put on to assist in the equipment maintenance function. The recommendation was forwarded to the Personnel Committee.

Resolution Number 14 Declaring Pickup Trucks, an Automobile and a Trailer as Surplus Equipment} Sponsored by Donald Lindberg – Seconded by Meredith McNeil

The Resolution authorized the disposition of a 1989 Cross Country Flatbed Trailer; a 1991 Ford Escort; a 1991 Ford F250 Pickup Truck with Plow; a 1992 Ford F250 Pickup Truck with Plow; a snow pusher; and a 1992 Case W14C Loader.

On voice call the Resolution was unanimously adopted with 7 members voting “aye” and one member (Halgas) “absent”.

Resolution Number 15 Authorizing the Purchase of One Dual Axle Trailer} Sponsored by Donald Lindberg – Seconded by James Powers

Mr. Chichester explained that a heavier trailer was needed to transport equipment between sites. After researching different vendors, Mr. Chichester recommended purchasing a 10-ton, dual axle, trailer from Teitsworth Inc. in Geneseo. Teitsworth is having a 3-day sale and the trailer can be purchased for \$6,750 during that time period. The funds for the purchase would come from the Equipment Replacement Fund.

Olga Podmajersky motioned to amend the Resolution to insert Mr. Chichester’s recommendations. The motion was seconded by Donald Lindberg and unanimously approved on voice call.

On voice call the Resolution was unanimously adopted, as amended, with 7 members voting “aye” and one member (Halgas) “absent”.

Resolution Establishing the Household Hazardous Waste Program} Sponsored by Donald Lindberg – Seconded by Meredith McNeil

Mr. Chichester explained that the Authority would financially assist the Counties with its household hazardous waste programs. Otsego and Schoharie Counties already have their programs scheduled for September. The Counties will operate their programs and the Authority will reimburse them an amount equal to the 50% reimbursement from the state. Montgomery County does not have a program scheduled at this point. The Authority can organize, plan, and hold the program for the County if the County chooses. The estimated cost to the Authority for all three Counties after the state reimbursement is about \$75,000.

Ms. Podmajersky stated that she is not in favor of the Authority taking on the program because it would involve additional manpower and cost to the Authority. Ms. Podmajersky stated that MOSA should stick to dealing only with solid waste.

On roll call the Resolution was adopted with six members voting “aye”, one member (Podmajersky) voting “nay” and one member (Halgas) “absent”.

6. Old Business

OTS Retrofit

Mr. Wesnofske asked if Golder Associates had started on the Oneonta Transfer Station retrofit. Mr. Chichester responded that they would be on site the following week.

7. New Business

2006 GAT Discussion

Mr. Wesnofske informed the Board that he asked Ms. Morlang to provide, with the draft 2006 GAT, a memo relative to waste being diverted from the Authority service area. Mr. Wesnofske pointed out that there are eight haulers who are suspected of taking waste out of the service area. Waste Management collects one or two trucks per day in Montgomery County that goes to Schenectady for disposal. This poses the question as to whether the Board should elect to take the lost waste figures into consideration when calculating GAT.

Mr. Strevy felt that the lost waste should not be calculated in when figuring the GAT due to the absence of flow control. Mr. Chichester responded that the Service Agreement places the responsibility on three counties for delivery all waste to the Authority. Mr. Strevy responded that the legality of the Service Agreement would come into play. It was pointed out that the Service Agreement has been tested and held up in court.

Mr. Wesnofske felt that at least 2,000 tons per year was being lost through Waste Management. Ms. Podmajersky stated that she did not agree with that figure. She pointed out that Waste Management has lost some municipal contracts. She has been driving around and checking and feels that Waste Management is delivering pretty much all the waste it picks up in Montgomery County to the Authority. Mr. Wesnofske pointed out that even one truckload (5 tons) per day times 5 days adds up.

Mr. Strevy asked about the lost waste from Keymark. Ms. Morlang stated that staff met with the management of Keymark to try and get the waste and asked them to fill out a profile sheet. It was explained that the material is considered special waste because it is a sludge and a profile sheet would need to be made out to present to the landfill. Currently, Waste Management picks up this material and takes it direct to their landfill.

Ms. Morlang pointed out that Waste Management is delivering more during 2005 than 2004 because they are currently bringing in waste that has been profiled in 2005, which was not profiled in 2004.

Mr. Strevy restated that he felt that the lost waste should not be included in the GAT. He also felt that the issue with the RFP for the transportation and disposal should be settled before adopting the GAT. He stated that because there had been no chance to discuss the GAT, adoption of the GAT should be postponed. Mr. Chichester asked why he felt that the T&D agreement should be settled first. Mr. Strevy responded that one could directly affect the other. Mr. Chichester pointed out that the Authority does not guarantee any tonnage to the hauler and has nothing to do with the GAT. Mr. Strevy stated that a certain hauler could be driven out of the system as a result of a new T&D contract, which would mean less material would be delivered. Ms. Morlang stated that the GAT is calculated on what is being generated not on what is being delivered. The calculation is figured consistently for each County using the most recent data, which is the 2004 tonnage. Lost tonnage is being figured in for all three Counties.

Mr. Strevy asked what the hurry was to adopt the GAT. Ms. Morlang stated that once the GAT is completed the Authority could move on with the 2006 Budget. Also, the Counties have asked in the past if the GAT could be done sooner so they could deal with their budgets in a more timely fashion.

Ms. Podmajersky stated that the GAT has nothing to do with the budget.

Mr. Wesnofske pointed out that there are a lot of other concerns that the Board needs to address. Other issues that need attention are the Oneonta Transfer Station retrofit; negotiations and potential meetings will have to take place to relate to the T&D agreement; and the 2006 Budget. There are a lot of other issues that have been dormant for the past two years such as personnel issues. He suggested that the Board should not wait until the end of the season to try and get everything done.

Ms. Podmajersky stated that she has not had a chance to study the GAT for Schoharie and Otsego Counties and would like more time. Mr. Wesnofske pointed out that the GAT was mailed on June 9th with a memo from him to review the GAT and to communicate with Ms. Morlang, prior to the July 7th meeting, if there were any comments or questions. Ms. Morlang stated that no one got in touch with her regarding the GAT. Ms. Podmajersky stated that there is a lot of detail and little summary and she would need more time to study the detail because she felt that a lot of waste was being lost in both Schoharie and Otsego Counties also.

William Strevy motioned to leave the GAT numbers for each County the same as what is was in 2004 and 2005. The motion was seconded by Olga Podmajersky.

Mr. McNeil stated that when looking at the percentages they are close in all three Counties in terms of increases. The Authority is shipping more waste than a year ago, and therefore more waste is being produced. The fact has to be accepted that when you produce more waste, more waste is being transported and it is going to cost more.

Mr. Strevy stated that if the lost waste is taken out of Montgomery County's GAT figure, the GAT would be less than what is being presented. Ms. Morlang stated that the only lost waste that is being figured in is BFI and Keymark because it has been confirmed that it is lost waste.

Mr. McNeil pointed out that the 2006 GAT is being based on what was transported in 2004 instead of using historical data. Ms. Podmajersky pointed out that 2,000 tons was being added for lost waste, which was not transported in 2004.

Mr. Strevy stated that it would be a lot easier if it were not for the Waste Management issue. He felt that the Waste Management issue was a very big variable for Montgomery County. Mr. Wesnofske stated that Otsego County had the same issue in the past. All the Counties could deal with issue if they are willing to stop subsidizing the waste with tax dollars and implement flow control so that the waste generators pay for the waste.

On roll call vote Mr. Strevy's motion was defeated with four members voting "nay" and three members (Lindberg, Podmajersky, Strevy) voting "aye" and one member (Halgas) "absent".

Mr. Wesnofske asked Ms. Morlang to give a summary of the proposed 2006 GAT calculations for the three Counties. Ms. Morlang summarized as follows:

- 2006 GAT for Montgomery County is calculated at 43,388 tons, which is an increase of 4.26% from 2005.
- 2006 GAT for Otsego County is calculated at 41,436 tons, which is an increase of 3.63% from 2005.
- 2006 GAT for Schoharie County is calculated at 18,239 tons, which is an increase of 4.67% from 2005.

Resolution Number 17 Establishing the 2006 Guaranteed Annual Tonnage (GAT) for Schoharie County} Sponsored by Meredith McNeil – Seconded by Charles Buck

Olga Podmajersky motioned, seconded by William Strevy, to table Resolution Number 17. On voice call the motion was defeated with four members voting "nay", three members (Lindberg, Podmajersky, Strevy) voting "aye" and one member (Halgas) "absent".

On roll call the Resolution was adopted with five members voting "aye" and two members (Lindberg, Podmajersky) voting "nay" and one member (Halgas) "absent".

Resolution Number 18 Establishing the 2006 Guaranteed Annual Tonnage (GAT) for Otsego County} Sponsored by William Strevy – Seconded by Meredith McNeil

William Strevy motioned, seconded by Olga Podmajersky, to table Resolution Number 18. On voice call the motion was defeated with four members voting "nay" and three members (Lindberg, Podmajersky, Strevy) voting "aye" and one member (Halgas) "absent".

On roll call the Resolution was defeated with four members voting "aye", three members (Lindberg, Podmajersky, Strevy) voting "nay" and one member (Halgas) "absent".

Resolution Number 19 Establishing the 2006 Guaranteed Annual Tonnage (GAT) for Montgomery County} Sponsored by Charles Buck – Seconded by Edward Wesnofske

William Strevy motioned, seconded by Olga Podmajersky, to table Resolution Number 19. On voice call the motion was defeated with four members voting "nay" and three members (Lindberg, Podmajersky, Strevy) voting "aye" and one member (Halgas) "absent".

On roll call the Resolution was defeated with four members voting "aye", three members (Lindberg, Podmajersky, Strevy) voting "nay" and one member (Halgas) "absent".

RFP for Transportation and Disposal

Mr. Chichester reported that three proposals were received as a result of the RFP issued for transportation and disposal. The proposers were: Riccelli Enterprises, Waste Management and Seneca Meadows.

Executive Session

Due to the confidentiality of the proposals, Charles Buck motioned for an executive session to discuss the T&D proposals. The motion was seconded by William Strevy and unanimously approved on voice call.

The executive session began at 10:42 a.m. At 11:36 a.m. Meredith McNeil motioned, seconded by William Strevy, to reconvene the regular meeting.

Next Meeting

The next Board meeting was scheduled for Thursday, July 28, 2005, at 9:30 a.m.

8. Closing

Meredith McNeil motioned to adjourn the meeting. The motion was seconded by Olga Podmajersky and was unanimously approved on voice call.

The meeting adjourned at 11:37 a.m.

Respectfully Submitted,

Robin Loske
Confidential Secretary