

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT
AUTHORITY
BOARD MEETING #7**

DATE: August 18, 2005

LOCATION: Howes Cave Administrative Complex

Members Present

Charles Buck
Raymond Halgas
Donald Lindberg
Olga Podmajersky
James Powers
William Strevy
Edward Wesnofske

Members Absent

Meredith McNeil

Others Present

Gilbert Chichester
Melissa Morlang
Robin Loske
Marijeanne Broadwell
Chris Chale
Terry Bliss – Otsego Co.
Karen Sullivan – Otsego Co.
Richard Riccelli
Riccelli Attorney
Press
Public

1. Opening

Chairman Wesnofske opened the meeting at 9:45 a.m.

2. Adoption of Agenda

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

3. Privilege of Floor

Chairman Wesnofske offered privilege of the floor.

Terry Bliss took the floor and introduced Karen Sullivan who is the new Sr. Planner in the Otsego County Planning/Solid Waste Department.

4. Minutes of Prior Meeting

Charles Buck motioned, seconded by Donald Lindberg, to accept the minutes of the prior meeting of July 28, 2005 as written. On voice call the minutes were unanimously approved.

5. Reports

Chairman

Chairman Wesnofske stated that he had nothing to report.

Executive Director

Mr. Chichester stated that he had nothing to report.

Financial Report

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

Page 5 – Reserve Account Activity: Resolution #15 of 2005 authorized the purchase of a trailer. The trailer was purchased with funds from the Equipment Replacement Fund.

Page 6 – Transportation and Disposal: Year to date 33% of the waste was delivered to Chaffee Landfill and 57% of the waste was delivered to the Hyland and Ontario facilities combined.

Page 7 – Trailers Placed at Project Sites: 8 trailers were placed in Schoharie for the removal of an apartment house, which yielded 222 tons; 14 trailers were placed in Amsterdam for the removal of the Windsor Hotel, which yielded 342 tons; and 3 trailers were placed in Middleburgh for the removal of an apartment house, which yielded 58 tons.

Page 16 – GAT: Each County is projected to be over their GAT. The aggregate GAT overage is projected to be 9.7%.

Page 17 – Outside Waste Tonnage by Hauler: The Authority continues to see more outside waste in July of this year than July of last year. The format of the page has been changed due to the large number of outside waste haulers. Customers who have brought in less than 10 tons of outside waste for the year have been combined at the bottom of the page.

Page 18 – Historical C&D Deliveries: The Windsor Hotel in Amsterdam and the apartment house in Schoharie are listed under large projects.

6. Old Business

Flow Control Litigation} Amicus Brief for Appeal to Oneida-Herkimer Case

Mr. Chichester reported that he was contacted by an attorney from Washington DC who is preparing an amicus brief relative to an appeal to the last Oneida-Herkimer decision regarding flow control legislation. Oneida-Herkimer completed the pike test and it was ruled that flow control was legal in the second circuit. This decision is being appealed. Mr. Chichester spoke to Mike Cahill about the appeal and Mr. Cahill indicated that the appeal is different from what he has seen the past as there is very little discussion relative to Carbone. The State of New York and the Attorney General's office is preparing an amicus brief which relates to the planning process and the fact that they support flow control to facilitate the overall solid waste planning efforts in New York. The amicus brief that is being prepared by the Washington attorney is focusing more on the issue of cost and tipping fees. He is requesting a contribution of \$1,600 toward this activity in the effort of flow control.

Chris Chale asked if Mike Cahill recommended that the Authority join in the amicus brief. Mr. Chichester responded that Mr. Cahill felt it could not hurt to join but feels that it is not absolutely imperative.

Mr. Chichester stated that oral arguments will be sometime in September and a decision is expected to come down sometime in July.

Donald Lindberg motioned, seconded by Charles Buck, to contribute the \$1,600.

Mr. Wesnofske suggested that \$1,000 be donated because the brief relates more to pricing and tipping fees.

Donald Lindberg felt that the \$1,600 would be best money that the Authority could spend because flow control will benefit the Authority.

Raymond Halgas felt that in the long term it might be worth it but asked if the three Counties are going to be willing pass flow control.

Charles Buck stated that he felt that Schoharie County would pass flow control. Donald Lindberg felt that Otsego County would do the same.

James Powers motioned to amend the amount to \$1,000. The motion was seconded by William Strevy and was approved on voice call with six members voting "aye", one member (Halgas) voting "nay" and one member (McNeil) absent.

On voice call the motion as amended was approved with six members voting "aye", one member (Halgas) voting "nay" and one member (McNeil) absent.

Executive Session

Charles Buck motioned for an executive session to discuss the Transportation and Disposal negotiations. The motion was seconded by James Powers and unanimously approved on voice call.

The executive session began at 9:57 a.m. At 1:52 p.m. Charles Buck motioned, seconded by William Strevy, to reconvene the regular meeting.

7. New Business

The next Board meeting was scheduled for August 25, 2005 at 9:30 a.m.

8. Closing

Charles Buck motioned to adjourn the meeting. The motion was seconded by William Strevy and was unanimously approved on voice call.

The meeting adjourned at 1:53 p.m.

Respectfully Submitted,

Robin Loske
Confidential Secretary