

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT  
AUTHORITY  
SPECIAL BOARD MEETING #16**

**DATE:** December 19, 2005

**LOCATION:** Howes Cave Administrative Complex

**Members Present**

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

**Members Absent**

James Powers  
Raymond Halgas

**Others Present**

Gilbert Chichester  
Melissa Morlang  
Marijeanne Broadwell  
Robin Loske  
Will Reynolds-Bollam, Sheedy

**1. Opening**

Chairman Wesnofske opened the meeting at 10:03 a.m.

**2. Adoption of Agenda**

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

**3. Privilege of Floor**

Will Reynolds of Bollam, Sheedy & Torani took the floor and informed the Board that as an auditing firm they like to address the Board before and after the audit procedures. He pointed out that the firm works for the Board and asked the Board to inform him if they had any particular concerns or questions.

Another matter that Mr. Reynolds addressed is the changes in the Public Authorities Law. He stated that the Governor has not signed the law yet so he has not obtained an official copy but hoped to soon. He hoped to get the Comptrollers interpretation of the new law to be able to relate the firm's thoughts relative to the law, particularly how it relates to the audit.

Mr. Wesnofske indicated that the new law would call for a change in auditors every five years. He asked if that means that the auditing personnel needs to be changed or the auditing firm. Mr. Reynolds responded that the partners in charge would need to be changed. He pointed out that the firm has four partners and the team can be changed to keep in compliance with the law. Because he has not been able to get an interpretation of the law yet he was not sure if the five years begins when the act goes into effect or if it will be retroactive. He pointed out that because Michael Vein, who has worked on the Authority's

audit for several years, had been on maternity leave a couple of years ago so her five-year term had been interrupted.

**4. Old Business**

**Resolution Number 51 Authorizing Modification of the Requirements Set Forth for the Proposed Transportation and Disposal Agreement between the Authority and Riccelli Enterprises, Inc.} Sponsored by Meredith McNeil - Seconded by Charles Buck**

Mr. Chichester explained that because of the dynamics of the surety market an “A” rated company is not willing to write a five-year bond. They are willing to write a one-year bond that would be renewed by October 1<sup>st</sup>. If the bond is not renewed by October 1<sup>st</sup>, the Authority can terminate the contract. Traveler Insurance Company is willing to write the bond where Zurich would not. The Bond companies pointed out that the trucking business is not stable. They indicated that they did not have an issue with Riccelli. In fact they felt that Riccelli Enterprises is stronger now than it was five years ago.

Mr. Strevy asked if all the bond companies in New York State were not willing to write a five-year bond. Mr. Chichester responded that the Authority required the bond company to be rated “A” by AM Best and licensed to do business in New York State. He could not say if all companies in New York State were not willing to write a five-year bond.

Ms. Podmajersky asked where the option period was spelled out. Mr. Chichester responded that it was in the contract between Riccelli and the Authority.

Ms. Podmajersky asked why the Millseat Landfill was being included in the contract as a disposal facility. Mr. Chichester responded that while developing the contract, Rich Riccelli said that Waste Management requested that Millseat Landfill be added as an option for their use. At this time, the Millseat Landfill is not being added to Exhibit “B” because it is still being investigated as to whether it is in compliance with all the New York State regulations, etc.

Ms. Podmajersky asked what the cost would be to the Authority relative to profile waste and the Millseat Landfill. Mr. Chichester stated that there is no additional cost to the Authority because the industrial waste has already been profiled.

On voice call the Resolution was adopted with five members voting “aye”, one member (Strevy) voting “nay” and two members (Halgas, Powers) “absent”.

**Executive Session**

Charles Buck motioned to go into executive session to discuss management contracts. Meredith McNeil seconded the motion and on voice call was unanimously approved.

The executive session began at 10:25 a.m.

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At 12:28 p.m. Donald Lindberg motioned, seconded by Charles Buck to come out of executive session.

Donald Lindberg motioned, seconded by Meredith McNeil, to authorize the continued payment to the Director of Finance and Administration for her management services for 2006 until a new agreement could be reached between the Authority and the Director of Finance and Administration. On voice call the motion was unanimously approved.

Donald Lindberg suggested that the Board meet again before the end of the year to discuss the management contracts and indicated that all eight board members should be present.

Mr. Chichester stated that the Board should ask Ms. Morlang, the Director of Finance and Administration, if she would be willing to carry on until the Board can come to terms on a contract. Depending on her answer there may not be a need for another meeting.

Chairman Wesnofske suggested that the Board go back into executive session to discuss the situation with Ms. Morlang.

Meredith McNeil motioned to go into executive session. Edward Wesnofske seconded the motion and on voice call was unanimously approved.

The executive session began at 12:37 p.m.

At 12:55 Olga Podmajersky motioned, seconded by Edward Wesnofske to come out of executive session.

### **Next Board Meeting**

The Annual Board meeting is set by the By-Laws of the Authority as the last Tuesday in January, which would be January 31, 2006.

### **5. Closing**

Olga Podmajersky motioned, seconded by Edward Wesnofske, to adjourn the meeting. On voice call the motion was unanimously approved.

The meeting adjourned at 12:55 a.m.

Respectfully Submitted,

Robin Loske  
Confidential Secretary