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

**DATE:** April 23, 2007

**LOCATION:** Howes Cave Administrative Complex

**Members Present**

Daniel Baker  
Joan Bent  
Martha Clarvoe  
David Parker  
Olga Podmajersky  
William Strevy  
Edward Wesnofske

**Members Absent**

Meredith McNeil

**Others Present**

Gilbert Chichester  
Carol Hawkins  
Robin Loske  
Glenn Packard  
Jason Cooper  
Psalm Wyckoff - Otsego Co.  
Linda Kellett - The Recorder

**1. Opening**

Chairman Wesnofske opened the meeting at 10:00 a.m.

**2. Adoption of Agenda**

Martha Clarvoe motioned, seconded by Joan Bent, to adopt the Agenda.

William Strevy motioned to amend the Agenda to put defeated Resolution No. 7 from the April 12<sup>th</sup> meeting on the Agenda. David Parker seconded the motion.

Chairman Wesnofske explained that the Agenda could only be amended at a Special Meeting with the approval of six of the members of the Board in attendance, which agree to consider matters other than those specifically provided for in the notice or agenda as required by the Bylaws.

Mr. Strevy felt that the two issues relative to the financial aid and the GAT subsidy reimbursement are tied together. He indicated that there are Counties that want the GAT subsidy overage reimbursed to them. He felt that this was the time to discuss it.

Chairman Wesnofske stated that based upon discussion at the March 22<sup>nd</sup> meeting the feeling was that the financial and capital needs of the Authority should come first. He pointed out that it is not a policy that the Authority has to reimburse the Counties for their GAT overage. He felt it was a policy issue, which should be discussed at a different meeting. Mr. Wesnofske indicated that in a prior year one of the Counties had a

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substantial overage while the other two Counties were substantially under their GAT and the one County had to take up the slack.

Mr. Strevy responded that if, in fact, one or more of the counties do not meet their GAT requirements for this year and would be all the more reason the Counties should be reimbursed their GAT subsidy overage for 2006.

On roll call vote the motion to amend the agenda was defeated with five members “aye”, two members (Bent, Wesnofske) voting “nay” and one member (McNeil) “absent”. (The bylaws of the Authority state “no business other than that stated in the notice of a special meeting shall be transacted at a special meeting unless  $\frac{3}{4}$  of the members of the Authority then in office are present and it is unanimously agreed to consider matters other than those specifically provided for in the notices of such meeting.”)

On voice call the Agenda was adopted as originally presented.

3. **New Business**

**Resolution Number 9 Authorizing MOSA to Provide Financial Assistance to Local Governments in Support of Recyclables Collection, Transportation and/or Disposal}**  
**Sponsored by Martha Clarvoe - Seconded by Joan Bent**

The Resolution would authorize the implementation of a Recycling Incentive Program for the Participating Counties and municipal entities who by letter of application (attached hereto) provide evidence of financial responsibilities for recycling in their 2007 solid waste programs. The amount available for recycling incentive payments is \$117,496 and would be funded from the Rate Stabilization Fund. The payments would be appropriated to the Participating Counties at the rate of \$1.00 per ton for the 2006 GAT waste delivered from geographic localities according to the Authority’s records as indicated in Table 1 of the resolution.

Chairman Wesnofske referred to the draft Letter of Application and explained that an affidavit had been added to end of the letter, on the recommendation of the Authority’s Counsel, so that it will be uniform for all municipalities.

Ms. Clarvoe asked Mr. Wesnofske to review the draft Letter of Application line by line so that she is clear on the letter. Mr. Wesnofske reviewed the Letter of Application as requested.

Dan Baker asked how Table 1 comes into play in regards to what is being discussed.

Mr. Wesnofske responded that Table 1 depicts the distribution of the tonnage that was delivered to the Authority by the Counties and various municipalities for 2006. He explained that Otsego and Schoharie Counties adopted a Source Separation Law and sponsor recycling programs for their municipalities. Montgomery County did not adopt such a law and each municipality in Montgomery County sponsors their own recycling

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program. Each of the Montgomery County municipalities are broken out individually as to the tons delivered to MOSA. The proposed dollar amount for the Montgomery County municipalities is \$50,976, the total amount for Schoharie County is \$20,653, and the total amount for Otsego County is \$45,867 for a grand total of \$117,496.

Mr. Strevy pointed out that a motion was adopted at the March 22<sup>nd</sup> meeting to reimburse the Counties \$1.00/ton for their total waste delivered in 2006, and is still floating around with no conclusion to the matter.

Mr. Strevy stated that Montgomery County is being singled out. He agreed that Otsego and Schoharie Counties have adopted Source Separation Laws whereas Montgomery County has not. He pointed out that Montgomery County has a very good recycling rate, which is probably better than Otsego or Schoharie Counties and the Board of Supervisors would be happy to share the recycling information with MOSA.

Mr. Strevy felt that the money should be going to Montgomery County to distribute among the municipalities that need the aid due to budgeting shortfall and not just hurt by the flooding in June of 2006, as was the original motion. He pointed out that some of the municipalities do not have budget shortfalls due to the raise in the MOSA tipping fee and are not asking for assistance. He indicated that if the funds are distributed as proposed, the municipalities that need the aid might not get the aid that they need.

Ms. Clarvoe responded that certain municipalities should not be singled out to receive funds while other municipalities are not.

Ms. Podmajersky asked if checks were going to be cut and given to Otsego and Schoharie Counties and to the individual municipalities in Montgomery County instead of to the County.

Mr. Wesnofske replied that would be correct as long as the Counties and municipalities reply to the Letter of Application and have recycling programs as part as their solid waste management activity.

Mr. Strevy motioned to amend the Resolution, seconded by Olga Podmajersky, to delete Table 1 and delete the words **“who by letter of application provide evidence of financial responsibilities for recycling in their 2007 solid waste programs”** in the first Resolved clause, and to rewrite the third Resolve clause as follows:

**“Resolved**, that such payments shall be apportioned to Montgomery County in the amount of \$50,976, Otsego County in the amount of \$45,867 and Schoharie County in the amount of 20,653 at the rate of \$1.00 per ton of 2006 GAT waste delivered, and be it further”.

Mr. Wesnofske stated that the wording being proposed by Mr. Strevy would change the intent of the Resolution. The intent was to provide for those municipalities who are

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responsible for recycling in their solid waste programs. Montgomery County passed the responsibility down to the City of Amsterdam and the towns and villages.

Mr. Strevy stated that the County passed a resolution supporting recycling when the Authority dropped recycling activities.

Mr. Wesnofske pointed out that Montgomery County does not provide financial aid to the municipalities for recycling programs.

Ms. Podmajersky felt that the reimbursement should not be tied to recycling programs.

Ms. Bent pointed out that by tying it to recycling programs it is a way of legally providing payment and furthering the Authority's purpose.

Ms. Podmajersky asked what was the matter with economic flow control, which is why the Counties have been reimbursed for the GAT subsidy overage in the past.

Mr. Strevy stated that he spent considerable time reading the Public Authorities Act and did not see any mention of economic flow control therefore, he would challenge the subsidy reimbursement as well as anything else that the Authority does. But since the Authority has reimbursed the subsidy overage he could not see any reason why the Authority cannot return monies to the Counties.

Ms. Clarvoe stated that by naming the municipalities it gets the money directly into their hands.

Mr. Wesnofske stated that he spoke to Mayor Barton of the Village of Fort Plain and asked him what thought of this concept. Mayor Barton responded that it is what the village needed and the village and the people of the village would thank the Authority for providing the funds. Mr. Wesnofske indicated that he did not speak to the City of Amsterdam.

Mr. Strevy asked Mr. Wesnofske what would happen to the outstanding motion that was adopted at the March 22<sup>nd</sup> meeting. Mr. Wesnofske responded that it could remain outstanding. He stated that he is not sure what the wish of the Board would be. The Board could make a declaration to rescind the previous motion in the current resolution or just leave it alone. Mr. Wesnofske indicated that he is neutral on the subject.

Mr. Strevy asked why he should vote on the current Resolution when the adopted motion from March 22<sup>nd</sup> still exists. Mr. Baker and Ms. Podmajersky agreed with Mr. Strevy's position on the matter. Mr. Baker stated that the issue should be resolved before moving on to another issue.

Mr. Parker indicated that Resolution 7, entitled "Resolution Authorizing Refund of a Portion of 2006 Subsidy for Solid Waste Tonnage Delivered by Montgomery, Otsego and

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Schoharie Counties”, which was defeated at the April 13<sup>th</sup> meeting, should be brought back to the table for consideration and he would vote in favor of it.

Ms. Bent reminded Mr. Parker that he changed his vote on the Resolution, which caused it to be defeated. Mr. Parker responded that he was confused about one of the Resolved clauses but has a better understanding of it now.

Ms. Podmajersky stated that because it is a Special Meeting the Resolution could not be brought back to the Table because it was not on the Agenda.

Mr. Strevy stated that the Authority is covered legally by tying the refund to recycling but could not see why the money should go to the municipalities instead of the County. He indicated that the Board just wants to know where the money is going. He felt that the County should be the one to decide where the money is going.

Mr. Wesnofske stated that the Authority is not in the position of making grants or gifts to the municipalities because of financial stress. It needs to be tied to solid waste programs.

Mr. Wesnofske stated that he received a phone call on April 13<sup>th</sup> from the Authority’s Auditors. He indicated that it was a 45-minute interview relative to the ethics and accountability of the Board. The Auditors asked Mr. Wesnofske if the Board is acting in compliance with the laws; are there conflicts of interest; and is the Executive Director promoting an ethnic culture among the employees for the operation of the Authority. They asked Mr. Wesnofske if he could make a judgment of the sophistication of the other Board members relative to understanding financial documents; do they understand business; are they alert to what is going on; and basically asking questions as to how the board members are handling their financial responsibilities. Another question asked is if any of the Board members ever look at the Authority’s bank reconciliation statements or cancelled checks. He indicated the Board should be more rigorous in the way it handles Authority business.

Ms. Bent suggested that these items could be part of the Audit Committee’s responsibilities.

Ms Podmajersky stated that tying the reimbursement of funds to recycling is not the only way to go about refunding the money. She stated economic flow control is the problem. If the haulers do not get help with the tip fee they take the waste to other places. Mr. Wesnofske responded that economic flow control is out of the hands of the Authority but is one device that the Counties have.

Mr. Wesnofske suggested that the Counties might think about implementing districting if the flow control legislation does not holdup in the Supreme Court.

Ms. Clarvoe thought the Resolution was an incentive to the municipalities to recycle. If the Authority encourages recycling it can save money. Ms. Clarvoe felt that all the municipalities should be reimbursed for their recycling efforts and not just the ones Montgomery County feel needs it.

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Mr. Strevy stated that he is still supporting the original motion made at the March 22<sup>nd</sup> meeting. Ms. Clarvoe reminded Mr. Strevy that it is not legal to proceed with the motion.

Mr. Strevy stated that the Resolution on the floor does not state that it replaces the original the motion.

Ms. Podmajersky stated that Ms. Chale, the Authority's Counsel, informed her that the wording was the problem in the original motion. Ms. Podmajersky indicated that she did not know what wording was given to the Ms. Chale because the Board never received a copy of the resolution.

Mr. Wesnofske responded that it was not a resolution but a motion that was made at the March 22<sup>nd</sup> meeting. He stated that the motion read that the Authority would pay the Counties but did not define the purpose of the payment.

Ms. Bent indicated that she voted in favor of Resolution Number 7 at the April 13<sup>th</sup> meeting because she felt it was a good way to get the money back to the Counties. That Resolution was defeated. She felt that the Resolution on the Table was another good way to return the money to the Counties.

Mr. Wesnofske referred the members to the minutes of the March 22<sup>nd</sup> meeting, page 14, which read "Mr. Strevy made a motion to reimburse the counties \$1 per ton as discussed in the Finance Committee for relief for the flood and the fact that we caught the Villages and the Cities in the middle of a budget year with the \$99 tip fee increase."

Mr. Strevy stated that he had anticipated that the Executive Director would write a formal resolution to reflect his motion.

Mr. Chichester explained how the Authority offered to continue with curbside recycling collection in the Counties at a cost that would cover the program. The Counties chose not to have the Authority continue with the recycling program and took on the responsibility.

Mr. Wesnofske stated that Montgomery County Supervisor Shane Walters and Mayor Barton of the Village of Fort Plain expressed their concern for the municipalities not for the County.

Mr. Strevy stated that Shane Walters was not happy with the current Resolution because there was strings attached to it and the County does not like strings.

After repeated discussion, Martha Clarvoe called the question.

Discussion continued relative to recycling responsibilities.

Ms. Podmajersky reminded members that Ms. Clarvoe called the question.

Repeated discussion continued relative to recycling.

Ms. Clarvoe called the question again.

On roll call vote the motion to amend was defeated with three members (Baker, Podmajersky, Strevy) voting “aye” and four members (Bent, Clarvoe, Parker, Wesnofske) voting “nay” and one member (McNeil) “absent”.

On roll call vote, Resolution Number 8 was defeated with four members (Bent, Clarvoe, Parker, Wesnofske) voting “aye”, three members (Baker, Podmajersky, Strevy) voting “nay” and one member (McNeil) “absent”.

**4. Closing**

Joan Bent motioned to adjourn the meeting. Olga Podmajersky seconded the motion, which was unanimously approved on voice call.

The meeting adjourned at 12:00 p.m.

Respectfully Submitted,

Robin Loske  
Confidential Secretary