

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT
AUTHORITY
PLANNING COMMITTEE MEETING**

DATE: August 27, 2008

LOCATION: MOSA Administrative Complex, Howes Cave

MEMBERS PRESENT:

Martha Clarvoe
Ed Wesnofske
Olga Podmajersky
David Parker

ABSENT:

OTHERS PRESENT:

Gilbert L. Chichester
Christine Chale
Meredith McNeil

1. Opening

Chairperson Clarvoe opened the meeting at 1:06p.m.

2. Minutes of Prior Meeting

Ed Wesnofske brought forward the need to correct the spelling of Coeyman's on page three of the June 16, 2008 minutes.

With that correction, Mr. Wesnofske moved to approve the June 16, 2008 minutes. Olga Podmajersky seconded the motion, which was unanimously approved.

3. Flow Control

Mr. Parker asked Olga Podmajersky if there was any new information on the waste loss in Montgomery County.

Olga Podmajersky asked Mr. Wesnofske about the letter that he was going to send to the counties with regard to flow control.

Mr. Wesnofske indicated that he had not concluded the letter.

Mr. Parker asked if it was still necessary.

Martha Clarvoe indicated that she assumed that we needed to assume that anything is possible, i.e. the Authority needs to be looking at all the options.

Meredith McNeil spoke of the concept of a "sunset" clause being incorporated into any flow control law.

Mr. Wesnofske explained that this concept was part of his Otsego County Presentation. He expressed his feeling that with flow control there is no basis for a shortfall penalty given the amount of effort that is required to implement flow control legislation.

Chris Chale indicated that she disagreed.

Olga Podmajersky expressed that she saw the need to enforce flow control.

Chris Chale felt that there was still a need to enforce flow control. She indicated that even if flow control is in place, waste may still leave the Service Area causing a county not to meet their GAT. She felt that the Authority would then still have to enforce the GAT shortfall provisions of the Service Agreement.

Mr. Wesnofske indicated that he could see MOSA enforcing flow control.

Ms. Chale indicated that she would not advise that MOSA take on the enforcement responsibilities.

Mr. Wesnofske indicated that he wanted to get the concept out there and that the details could be worked out later.

Ms. Chale indicated that in a post-Service Agreement environment, it would be a totally different scenario.

Mr. Parker asked about the enforcement of flow control.

Mr. Wesnofske indicated that in most situations, the enforcement is by the Counties. The only multiple county flow control situation is with Oneida – Herkimer. In that situation, the counties assigned the licensing of haulers to the Authority. The Oneida – Herkimer Solid Waste Management Authority has contracts with their haulers and they can give discounts. In that situation, local police can enforce.

Mr. Parker thought a sunset clause was enticing for the counties.

Chris Chale explained the sunset concept and indicated that a municipality can always exit a local law with or without a sunset clause.

It was pointed out that Mike Cahill has provided model flow control local laws to the Authority and Counties in the past.

Mr. Wesnofske pointed out that Rockland County enacted flow control, bought the Clarkstown Transfer Station and they are exporting waste to the Hyland Facility operated by Casella.

Mr. Parker asked if we can get a copy of Rockland County's local law.

Ms. Podmajersky spoke to the need for an integrated system if flow control is to be implemented.

Mr. Parker spoke to the possibility of sending a letter to the counties reminding them of the following four points relating to flow control:

- MOSA will provide a model local law

- MOSA will pay legal fees for the development of similar flow control local laws in the three Participating Counties.
- MOSA will pay the cost for any flow control challenge
- Explain the concept of a sunset clause in a flow control local law.

4. August 13th Meeting with Participating Counties

It was indicated that the counties expect some feedback from MOSA on September 17th.

Ed Wesnofske put forth his thoughts regarding moving forward on Montgomery County's position regarding their future involvement with the Authority.

He put forth points for discussion and indicated that more details will likely be necessary as the situation moves forward.

Olga Podmajersky indicated that she heard that Jim Powers had indicated he wanted out.

She pointed out that Mr. Greco had asked what the Authority can do for the Counties which was echoed by Schoharie County.

She expressed her feeling that the Counties need options as to what can happen after 2014.

Ed Wesnofske pointed out that Otsego County was looking at hiring a consultant to assist them establish Otsego County's position on MOSA. He did not expect to have any feedback for 12 to 15 months. He felt the agenda should be moved in the direction of Montgomery county's desire at the present time.

Olga expressed support for a top down approach rather than a bottom up wit regard to the options. She saw this as a big decision.

Mr. Wesnofske indicated that Montgomery County has expressed the lack of interest in participating after 2014.

Ms. Podmajersky did not feel this should be the driving premise.

The general thought was that things can change and adjustments can be made as needed.

Mr. Parker indicated that Montgomery has taken action by hiring an attorney while Otsego County is going out with an RFP.

Martha Clarvoe shared that Jim Powers has indicated interest in continuing to work with Schoharie County.

Meredith McNeil pointed out that by virtue of Montgomery County having an attorney and Otsego County has an RFP that Schoharie County has to decide on a direction.

Olga Podmajersky indicated that Schoharie County had the fewest options.

David Parker wanted a copy of the Otsego County RFP distributed to the full board.

Mr. Wesnofske spoke to his proposed plan. He raised question regarding the Helmer report that has never surfaced. He also raised the unfinished business with regard to the GBB Phase II Report.

Olga Podmajersky spoke to the plan to look at surrounding areas and it was explained that the Executive Director has been pursuing that point.

Mr. Chichester presented his findings to date with regard to solid waste facilities currently operated by neighboring Counties and the possibility of MOSA being able to acquire disposal capacity therewith.

5. GBB Phase II Report

It was pointed out that Olga Podmajersky had raised the unfinished Phase II Report that was suggested by GBB at the meeting in Schoharie with the three Counties.

The committee discussed the past proposal put forth by GBB for a Phase II Report that would look at the construction of a landfill and also look at the construction of a waste to energy facility.

Chris Chale spoke to the need to identify the scope of any such study / report.

Mr. Parker spoke to his observation that the Counties do not have nay appetite for constructing a landfill. He felt the next logical move would be to construct a waste to energy plant.

It was felt that people put blinders on when considering a landfill. It was pointed out the every town in Schoharie County has a local law on the books prohibiting the development of any landfill.

After considerable discussion, it was concluded that a Phase II Study should be commissioned with GBB to look at a generic 250,000 ton per year landfill. Additionally, the study should look at the costs of developing and operating a 250.000 ton per year waste to energy plant. The committee also wanted an update on the status of the development of gasification technology. It was indicated that this should include a review of the gasification project now being undertaken by SUNY Cobleskill. Additionally, it was felt that the study should look at the feasibility of the intermodal movement of waste by rail.

Mr. Wesnofske distributed a list of landfills and waste to energy facilities operating in New York State, which is attached.

IT was felt that the Phase II Study is important to satisfy the curiosity of the public and

the County Legislatures.

6. Otsego County Presentation -

Mr. Wesnofske indicated that he had distributed the power point presentation he did for the Otsego County Legislature to all the Governing Board members and it is attached hereto.

There was some general discussion on various points included in the presentation.

7. MOSA Mission Statement

The revised mission statement was reviewed and the general consensus was that it should be put before the Governing Board at its next meeting.

8. Transportation and Disposal -

The committee agreed that disposal options should be pursued separate from transportation services. It was felt that the Authority should look to buy capacity for future use based upon projected GAT. It was understood that the Authority can only offer whatever flows through the transfer stations.

It was pointed out that that is the approach taken by waste brokers.

It was reported that Fulton County is looking to expand its currently permitted thru-put. Concern was expressed that MOSA will be competing with the likes of the City of Albany for disposal space given the current state of affairs with waste disposal options for the City. To that end pursuing the purchase of landfill capacity for future use looked to be reasonable and prudent.

Ed Wesnofske moved to present this concept to the Board and Martha Clarvoe seconded the motion. All were in favor.

9. Adjournment –

With no other business to be considered, David Parker moved to adjourn the meeting and Ed Wesnofske seconded the motion. All were in favor.

The meeting adjourned at 3:25 p.m.

Respectfully Submitted

Gilbert L. Chichester,
Executive Director