

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT
AUTHORITY
BOARD MEETING #2**

DATE: January 27, 2009

LOCATION: Howes Cave Administrative Complex

Members Present

Martha Clarvoe
John Mattas
Meredith McNeil
David Parker
Olga Podmajersky
Phil Skowfoe
Edward Wesnofske
John Thayer

Members Absent

Others Present

Gilbert Chichester
Barbara Corrigan
Terry Bliss
Sam Dubbin

1. Opening

Chairman Wesnofske opened the meeting at 10:15 a.m.

2. Adoption of Agenda

Meredith McNeil motioned to accept the Agenda. John Mattas seconded the motion.

The Agenda was approved.

3. Privilege of the Floor

Chairman Wesnofske offered privilege of the floor. Terry Bliss introduced Sam Dubbin as a County Representative from Cherry Valley and the new Otsego County Solid Waste Committee Chairman.

Terry Bliss acknowledged the challenges in the Solid Waste area highlighting the downturn in recycling currently, the 2008 shortfall, and the possible 2009 GAT shortfall. He addressed a letter that was sent to Mr. Chichester dated January 25th that requests that MOSA reduce the per tonnage fee used by subtracting the T&D component of the shortfall bill. Terry shared that the County is looking into flow control and has hired Hans Arnold to assist the County in their Solid Waste Planning.

4. Minutes of Prior Meetings

Olga Podmajersky motioned to accept the minutes of the January 15, 2009 meeting as written. John Thayer seconded the motion.

On voice vote the motion was approved.

5. Resolutions

a. Resolution No. 2 Confirming Naming of Chairperson of the Montgomery – Otsego-Schoharie Solid Waste Management Authority for the Year 2009

Dave Parker made the motion placing Resolution No. 2 on the floor for discussion, seconded by Martha Clarvoe

Olga Podmajersky nominated John Thayer for Chairperson Phil Skowfoe seconded the nomination.

Meredith McNeil nominated Ed Wesnofske for Chairperson Martha Clarvoe seconded the nomination.

Martha Clarvoe made a motion to close nominations seconded by John Mattas, all members were in favor.

John Thayer received four votes (Podmajersky, Skowfoe, Thayer, Mattas)

Ed Wesnofske received four votes (Clarvoe, Parker, McNeil, Wesnofske)

Meredith McNeil made a motion to table the resolution John Thayer seconded the motion, all members were in favor. Motion was tabled

b. Resolution No. 3 Confirming Naming of Vice Chairperson of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

John Thayer made the motion placing Resolution No. 3 on the floor for discussion, seconded by Meredith McNeil

John Thayer nominated Olga Podmajersky for Vice Chairperson Meredith McNeil seconded the nomination.

Dave Parker nominated John Thayer for Vice Chairperson Ed Wesnofske seconded the nomination.

John Thayer made a motion to close nominations seconded by John Mattas, all members were in favor.

Olga Podmajersky received six votes (Clarvoe, Skowfoe, Thayer, Mattas, Wesnofske, McNeil)

John Thayer received one vote (Parker)

Olga Podmajersky was inserted as the Vice Chairperson and by voice vote, the resolution was unanimously adopted.

c. Resolution No. 4 Confirming Naming of Treasurer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

John Thayer made the motion placing Resolution No. 4 on the floor for discussion, seconded by John Mattas

John Thayer nominated Philip Skowfoe for Treasurer John Mattas seconded the nomination.

Ed Wesnofske nominated Meredith McNeil for Treasurer Martha Clarvoe seconded the nomination.

John Thayer made a motion to close nominations seconded by John Mattas, all members were in favor.

Philip Skowfoe received four votes (Podmajersky, Skowfoe, Thayer, Mattas)
Meredith McNeil received four votes (Clarvoe, Parker, McNeil, Wesnofske)

Dave Parker made a motion to table the resolution John Thayer seconded the motion and with all members in favor the motion was tabled

d. Resolution No. 5 Confirming Naming of Secretary of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

John Thayer made the motion placing Resolution No. 5 on the floor for discussion, seconded by Meredith McNeil.

Ed Wesnofske nominated Gilbert Chichester for Secretary Meredith McNeil seconded the nomination.

John Mattas made a motion to close nominations seconded by Ed Wesnofske, all members were in favor.

Gilbert Chichester was inserted as the Secretary, the wording "Authority member" was eliminated in the resolved and all were in favor.

e. Resolution No. 6 Confirming Naming of Assistant Secretary of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

John Thayer made the motion placing Resolution No. 6 on the floor for discussion, seconded by Meredith McNeil

Martha Clarvoe nominated Barbara Corrigan for Assistant Secretary John Mattas seconded the nomination.

All members were in favor of closing nominations.

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Barbara Corrigan was inserted as the Assistant Secretary, the wording "Authority member" was eliminated in the resolved and all were in favor.

f. Resolution No. 7 Establishing Official Depositories for the Authority for 2009

John Thayer made the motion placing Resolution No. 7 on the floor for discussion, seconded by Meredith McNeil

Ed Wesnofske questioned where most of our deposits were kept at this time. First Niagara holds a large portion, NBT is our operating account and many of our CD's are in Citizens bank. Mr. Chichester shared that Legacy Bank was added in 2008 based on a request to add the local institution last year. Legacy has not been able to meet the Authority's needs regarding collateralization of deposits.

John Thayer made a motion that Legacy Bank be deleted from the Resolution Phil Skowfoe seconded the motion, all were in favor.

The amended resolution was adopted on a unanimous vote..

g. Resolution No. 8 Establishing Official Newspapers for the Authority for 2009

Olga Podmajersky made the motion placing Resolution No. 8 on the floor for discussion, seconded by John Mattas.

There was discussion about the delivery and internet services of these papers.

The resolution was adopted unanimously.

h. Resolution No. 9 Establishing Regular Meetings for 2009

John Thayer made the motion placing Resolution No. 9 on the floor for discussion, seconded by John Mattas.

There was discussion regarding days of the week and timing in relationship to members other obligations. Mr. Wesnofske shared the importance of timing regarding the receipt of financial reports.

The following dates were inserted: March 19, May 21, July 16, September 17, and November 19.

The resolution was adopted on a unanimous vote as amended.

i. Resolution No. 10 Confirming Naming of Records Management Officer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

Olga Podmajersky moved the resolution Meredith McNeil seconded the motion.

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Mr. Wesnofske shared this allows us to provide for grant money related to records management.

Resolution was adopted unanimously.

j. Resolution No. 11 Confirming Naming of Contracting Officer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the Year 2009

Olga Podmajersky moved the resolution, David Parker seconded the motion.

John Mattas made a motion to amend the resolution naming Barbara Corrigan as the Contracting Officer John Thayer seconded the motion.

Based upon further discussion the amendment was withdrawn.

The resolution was adopted as submitted on a unanimous vote.

k. Resolution No. 12 Amending Resolution Number 48 of 2008 Regarding the Funding of an Agreement with Gershman, Brickner, & Bratton for a Phase II Study

Ed Wesnofske made the motion, Dave Parker seconded the motion.

Mr. Chichester indicated that these expenses historically have not been considered allowable expenses for the Bond Redemption and Improvement Fund.

Ms. Podmajersky indicated this had come up in the prior year.

Resolution was adopted with Skowfoe and Thayer voting no.

l. Resolution No. 13 Authorizing Executive Director to Submit Application for Grant Funds for Records Management

John Mattas made the motion, Dave Parker seconded the motion.

Discussion ensued regarding the planned project. It was shared that, although the grant is not a matching grant, showing contribution toward the project improves the chances of receiving funding. The planned contribution would be the salaries for employees to go through the records, which is needed at this point. Additional costs would be the salaries of personnel to construct the room with the materials purchased through the grant.

Discussion continued regarding other options for the storage of records.

Dave Parker made a motion to amend the resolution to include the following:

“Resolved, the MOSA cost will not exceed \$15,000 for the physical construction of the renovation.”

John Thayer seconded the motion.
All were in favor of the amendment.

The resolution was adopted as amended based on unanimous vote.

m. Resolution No. 14 Authorizing the Filing of an Application for State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract, Under the Appropriate Laws of New York State

John Thayer made the motion John Mattas seconded the motion.

The resolution was adopted on a unanimous vote.

6. Other Business

a. Financial Report

December Financials were distributed and discussed. It was noted that the purchase and maturity dates on investments were added to the investment page.

Mr. Skowfoe made a motion that the Vice Chairperson be placed in the position of the Chairperson based on the vote that took place earlier. Discussion ensued regarding the Authority By-Laws.

Olga Podmajersky read from page 5 of the by-laws:

All officers shall hold office until their successors are chosen and qualify in their stead...

Ms. Podmajersky stated she believes this is until a different one is elected.

There was discussion on the demolition projects in Amsterdam. Mr. Chichester indicated that the tonnage would exceed their estimates as they have now been shipping brick.

There was discussion regarding the recycling costs, although the market has dropped drastically at year end we remain positive showing a surplus of \$25,403.55.

Ed Wesnofske indicated that the reason for breaking down the costs by transfer station site was to get a better handle on expenses. Ms. Corrigan indicated this allows site supervisors to control their expenses and take responsibility for these costs. Mr. Wesnofske indicated he would like to know the cost associated with each facility relating to debt and the related interest.

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Ms. Corrigan indicated that the administrative costs have been calculated based on transfer station hours. Allowing us to have a standard administration cost per hour for projects. The debt has been eliminated from this calculation because this is a sunk cost and with or without new projects this debt must be paid.

Mr. Wesnofske wanted to know the debt cost for each facility. Mr. Parker asked how you would allocate landfill costs to each facility.

Mr. Wesnofske noted that he wanted to highlight the interest costs and debt cost as associated with different stations. Ms. Corrigan asked if he wanted anything further on the financial report regarding this discussion. Mr. Wesnofske stated not at this point.

Ms. Corrigan gave an indication of where the GAT for January would stand by County. Mr. Wesnofske labeled this an early anxiety report.

Ms. Podmajersky questioned the administrative costs associated with recycling. It was noted that this would change in 2009 and would be based on a charge that is more appropriate and consistent with other projects. A time study was completed in the spring of 2008 tracking the time taken for recycling at the Schoharie Transfer Station. This time study was the basis for labor costs associated with recycling and the allocation of administrative costs to recycling.

There was discussion regarding down time and Mr. Wesnofske indicated this was an obligation of the service contract, recycling is an add-on to the programs of the Authority and it does not make sense to charge down time at a rate equal to recycling.

b. County Activities

Mr. Chichester indicated that some Schoharie County haulers were planning on leaving the system. It appears that anything associated with County Waste has left the system as of last week. They are going to Troy; this transfer station is owned by County Waste. It appears that this loss of waste should be evident in February.

As of this date County Waste and Vets have not signed the subsidy agreement. Randy Weaver has not signed a subsidy agreement with Otsego County but is delivering the Cherry Valley waste, and paying full price.

It is understood that Green Del will be pulling out of Otsego County.

Mr. Skowfoe received feedback from County Waste that their down time at the stations was driving them out of the system. They indicated that their dispatcher sent a truck from Amsterdam to Randall.

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Mr. Chichester questioned the source of this information. Ms. Clarvoe questioned if there was time frame when this would occur because of breaks or lunch. Mr. Chichester noted that based on the waste coming into both the Montgomery County stations it is hard to believe there is any wait time at WTS or ATS. Mr. Skowfoe stated it may not be true.

Mr. Wesnofske stated that the loss of County Waste may be due to both the increase in the outside waste fee back in 2007 and the reduced 2009 subsidy in Schoharie County.

Mr. Wesnofske asked the status of the three county meetings.

Mr. Thayer indicated that each county was to return to the next meeting on March 19, with ideas regarding what they would like to see changed in the Service Agreement. It is believed the following meeting will include an invitation for the MOSA Board to attend. All Counties were invited to the Otsego County meeting with Hans Arnold, as of today no date has been set for the Otsego County meeting.

Mr. Wesnofske looked to confirm the appointment of a Solid Waste Coordinator in Montgomery County. Mr. Thayer indicated this was on the agenda for the January 25th County Board meeting and Dennis Heaton is the likely appointee.

Mr. Skowfoe shared that the three county meeting intended to include flow control as part of the suggested changes in the Service Agreement. Questions were brought up regarding the enforcement of flow control if it were enacted.

Mr. Chichester acknowledged the receipt of a letter from Otsego County which requests an adjustment to the shortfall payment relating to the T&D. Discussion continued that reflected on a similar request from Montgomery County relating to the 2007 shortfall penalty.

Based on the three legal opinions obtained in the previous case Mr. Wesnofske believed he is speaking for the Board when stating we cannot change the cost. MOSA's only recourse would be to assist with projects that relate to solid waste management. He pointed out that whatever MOSA supports needs to stick to the straight and narrow regarding solid waste activities.

Mr. Parker asked if we had obtained a legal opinion regarding using reserve funds for debt reduction.

Mr. Wesnofske indicated that before MOSA was able to address defeasing debt it must address all liabilities including the landfill. The current belief is the liability extends beyond the 30 years required by DEC.

Ms. Podmajersky stated that several years ago Montgomery County did a study that recommended that the Counties take over the debt. Some of the current

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reserves could be used to reduce the debt leaving enough in reserves for MOSA to run responsibly. If current reserves are applied to the debt and the remaining debt split between the three counties in some fashion, it was Ms. Podmajersky's belief that this could lead to a reduced tip fee. She thought this to be an option that should be looked into again.

Mr. Wesnofske indicated that when this option was presented Schoharie County was not interested in borrowing money because they are a debt free county. Otsego County had just borrowed for the new construction of a nursing care facility and was not interested in borrowing to take on additional debt.

Ms. Podmajersky requested an update on the following:

- GBB Phase II report. It was indicated this was due at the end of January.
- Golder status on the landfill – Mr. Chichester anticipated information next week.
- Structural work on Oneonta transfer station – this was anticipated to be completed at the end of the week
- Tarping Station – information is anticipated within the next week.

Mr. Skowfoe questioned the operational status of the leachate tanker. It has been delivered but currently unsure if it is on the road.

Mr. Wesnofske indicated that a February meeting traditionally was not scheduled. However with the GBB report due and unsettled positions of Chairperson and Treasurer we should schedule a meeting.

A tentative date of February 25 at 1pm was scheduled assuming the GBB report would be in hand.

Mr. Mattas stated that he took exception to some of the conclusions and opinions stated by the Executive Director in the State of the Authority report.

Ms. Podmajersky agreed with Mr. Mattas indicating the talk was just criticism of the Board and she believed it was very inappropriate.

Mr. Skowfoe agreed with that sentiment.

Mr. Wesnofske suggested that meetings with the Board and staff may help clear up these circumstances. Ms. Podmajersky believed meeting of the Board was required first.

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7. Closing

Motion to adjourn the meeting was made by Meredith McNeil and seconded by John Thayer. The meeting was adjourned at 12:07 p.m.

Respectfully Submitted,

Barbara Corrigan
Assistant Secretary