

**MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY
ANNUAL/ORGANIZATIONAL BOARD MEETING #01**

DATE: January 26, 2010
LOCATION: MOSA Administrative Complex, Howes Cave

Members Present:

John Mattas
David Parker
Olga Podmajersky
Alexander Shields
Philip Skowfoe
John Thayer
Harold Vroman

Members Absent:

Edward Wesnofske

Others Present:

Dennis Heaton
Barbara Corrigan
Karen Sullivan - OC
Tim Steinhofer - OC
Evelyn Lindley
Mark Robarge - Recorder

1. Opening – Roll Call

Chairman Thayer called the meeting to order at 2:08 p.m. and asked for roll call.

2. Adoption of Agenda

Chairman Thayer asked if there were any amendments to the agenda. Mr. Parker stated that he would like to present three additional resolutions and would like them added to the agenda. As there were no objections, the resolutions were numbered 12, 13 and 14 to continue with current numbering pattern of the existing resolutions. Resolution No. 12 is titled, “Resolution Authorizing a Reduction in the MOSA Official Bag Rate”; Resolution No. 13 is titled, “Resolution Reinstating Partnership Funding to Each County for 2010 Household Hazardous Waste Day Events”; and Resolution No. 14 is titled, “Resolution Reducing the Otsego County Shortfall Subsidy for 2009”.

Chairman Thayer asked for a motion to approve the agenda as amended. Ms. Podmajersky so moved, Mr. Mattas seconded and on voice call the motion was approved unanimously.

3. Privilege of the Floor

Chairman Thayer offered the privilege of the floor to members of the public and guests present at the meeting. Karen Sullivan of the Otsego County Planning and Solid Waste Department introduced Tim Steinhofer, an intern at the County and an Oneonta State University student to the Board. Ms. Sullivan gave an update on the status of the Post Closure Tip Fee Adjustment Method Agreement as follows:

- ✓ Otsego County has a new attorney who will review the document with the new Chairman, Floyd “Sam” Dubben.
- ✓ MOSA will update the Chairman’s name on the agreement to reflect the change and forward a copy to Otsego County.
- ✓ MOSA should go ahead and bill Otsego County at the \$3.09 per ton rate for Post Closure costs for January.

Ms. Sullivan also noted that three letters had been sent to MOSA regarding their request for a shortfall adjustment due to exceeding their recycling goals. A decision is required to render notice of action to this request by March 15, 2010.

Mr. Heaton noted that he had attended the Otsego County Board meeting where it had been indicated the Board wanted the Tip Fee Adjustment Method and that execution of the document had only been slowed due to the change in County attorney. Mr. Heaton also noted that he had received the letters from Otsego County regarding their request for a shortfall adjustment due to exceeding their recycling goal and copies are included in today’s Board packet.

Evelyn Lindley stated that she believed the Board was on the right track for a change and added that she would like the next Montgomery County Household Hazardous Waste Day event, if reinstated, held in Randall. Chairman Thayer noted that the 2009 HHW event was held in Amsterdam.

4. Adoption of Minutes of Prior Meeting – December 10, 2009

Chairman Thayer asked for a motion to adopt the minutes; Ms. Podmajersky so moved and Mr. Mattas seconded.

Chairman Thayer asked if there was any discussion and added a request that the minutes be sent out to Board members as soon as possible after each meeting. Mr. Shields noted the specificity of the minutes and the fact that they were usually agreed upon without amendment would suggest there was no need to vet them prior to publication. He went on to say that he believed the new regime expected to be more open and transparent. Mr. Heaton agreed to have the minutes published to the Board more quickly going forward.

Chairman Thayer asked if there were any changes to the minutes; as there were none, on voice call, the minutes were unanimously approved as written.

5. Resolutions

a. Resolution No. 1 Confirming Naming of Chairperson of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Mr. Mattas so moved and Mr. Shields seconded.

Chairman Thayer asked for nominations from the floor. Mr. Mattas nominated John Thayer and Mr. Shields seconded; there were no other nominations. Mr. Shields motioned to close nominations and Ms. Podmajersky seconded.

Mr. Shields made a motion to cast one ballot for the Chairman suggested and Ms. Podmajersky seconded. On voice call, the motion was approved by all members present. (Edward Wesnofske was absent.)

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

b. Resolution No. 2 Confirming Naming of Vice Chairperson of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Mr. Mattas so moved and Mr. Thayer seconded.

Chairman Thayer asked for nominations from the floor. Mr. Mattas nominated Philip Skowfoe and Mr. Shields seconded; there were no other nominations. Mr. Shields motioned to close nominations and Ms. Podmajersky seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

c. Resolution No. 3 Confirming Naming of Treasurer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Mr. Skowfoe so moved and Mr. Mattas seconded.

Chairman Thayer asked for nominations from the floor. Mr. Skowfoe nominated Olga Podmajersky and Mr. Shields seconded; there were no other nominations. Mr. Shields motioned to close nominations and Mr. Thayer seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

d. Resolution No. 4 Confirming Naming of Secretary of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Ms. Podmajersky so moved and Mr. Mattas seconded.

Chairman Thayer asked for nominations from the floor. Mr. Thayer nominated Dennis Heaton and Ms. Podmajersky seconded; there were no other nominations. Mr. Thayer motioned to close nominations and Mr. Vroman seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

e. Resolution No. 5 Confirming Naming of Assistant Secretary of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Ms. Podmajersky so moved and Mr. Shields seconded.

Chairman Thayer asked for nominations from the floor. Mr. Thayer nominated Barbara Corrigan and Ms. Podmajersky seconded; there were no other nominations. Mr. Shields motioned to close nominations and Mr. Vroman seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

f. Resolution No. 6 Establishing Official Depositories for the Authority for 2010

Chairman Thayer asked for a sponsor and a second; Ms. Podmajersky so moved and Mr. Vroman seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

g. Resolution No. 7 Establishing Official Newspapers for the Authority for 2010

Chairman Thayer asked for a sponsor and a second; Ms. Podmajersky so moved and Mr. Vroman seconded.

On roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

h. Resolution No. 8 Establishing Regular Meetings for 2010

Chairman Thayer asked for a sponsor and a second; Mr. Thayer so moved and Mr. Parker seconded.

Chairman Thayer suggested the third Wednesday of even numbered months; February 17, April 21, June 16, August 18, October 20 and December 15. Chairman Thayer suggested 1:00 P.M. as the beginning time for these meetings.

Motion to amend the resolution to include the above noted dates and time made by John Thayer and seconded by David Parker. On voice call, all members present approved the motion.

On roll call vote, the resolution was unanimously adopted as amended by all members present. (Edward Wesnofske was absent.)

i. Resolution No. 9 Confirming Naming of Records Management Officer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Mr. Skowfoe so moved and Ms. Podmajersky seconded.

Chairman Thayer asked for discussion; as there was none, on voice call vote the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent.)

j. Resolution No. 10 Confirming Naming of Contracting Officer of the Montgomery-Otsego-Schoharie Solid Waste Management Authority for the year 2010

Chairman Thayer asked for a sponsor and a second; Mr. Mattas so moved and Mr. Shields seconded.

Chairman Thayer asked for discussion. Mr. Shields addressed his remarks to both Chairman Thayer and Mr. Heaton, saying past practice had given a lot of latitude for the application as to how this is done. He gave an example of Otsego County policy and noted standing committees could approve expenditures with a majority vote, (without a resolution), whereas MOSA policy called for a Board resolution to authorize anything over \$1,000. Mr. Shields went on to say that he wants to be sure he fully understands current policy on how these things are done for purchasing, disposing and so forth. He continued, saying he wanted to be sure that it wasn't just the authorization of money, but that there was oversight on what the money was being used for.

Mr. Skowfoe added to Mr. Shields' remarks by stating that the surplus equipment taken to auction last year in the western part of the state could have been taken to the Schoharie County auction, cost less to truck and the Authority could have made a larger profit on their sale. Mr. Parker remarked that was just speculation on Mr. Skowfoe's part.

Chairman Thayer read from the *Policy for Disposition of Property, Disposal of Property b. ii.*, as follows: "In the case of real property, the Contracting Office shall review the bids and make a recommendation to the Governing Board. All real property sales must be approved through a formal resolution adopted by the Governing Board." Chairman Thayer advised that nothing can happen without bids coming before the Board for approval. Mr. Shields remarked that he just wanted to be clear that policy would be followed.

Mr. Shields then asked Mr. Heaton to articulate his understanding of current policy. Mr. Heaton responded that he would follow policy and processes as they exist.

Mr. Skowfoe noted that if the Board is to review all bids, a Board member would have to be present when equipment is sold at public auction and that information brought back for the whole Board to review prior to agreeing to the sale price. Chairman Thayer responded that a minimum price could be established ahead of time and if that minimum price was not met, the equipment would return to MOSA. Mr. Skowfoe suggested another alternative could be that sealed bids are to be returned to the Board for review.

Chairman Thayer, speaking on Mr. Heaton's behalf, noted that Mr. Heaton's philosophy was the same as the Boards'; utilizing equipment that has been idle and not selling, replacing or giving away used equipment.

Mr. Shields stated that he didn't want to hamstring the Executive Director from getting equipment replaced when necessary either.

Chairman Thayer asked if there was further discussion; as there was none, on roll call vote, the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent).

k. Resolution No. 11 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

Chairman Thayer asked for a sponsor and a second. Mr. Thayer so moved and Mr. Shields seconded.

Chairman Thayer asked for discussion. Ms. Podmajersky asked what Counties were included in the grant. Chairman Thayer advised Montgomery and Schoharie Counties. Ms. Sullivan noted that Otsego County files for its own grant and that typically, MOSA had matched their funding.

Mr. Shields questioned whether the State had the money to provide the grants this year and asked if MOSA had adequate funds in the budget to support the events; he believes it should be a priority. Mr. Parker responded that would be discussed in an upcoming resolution, Resolution No. 13.

Chairman Thayer asked Ms. Sullivan if Otsego County had already filed for its grant; Ms. Sullivan responded that they had not, but intend to. Ms. Sullivan noted that MOSA "physically" assists Montgomery and Schoharie Counties with their HHW events but doesn't physically assist Otsego County. Otsego County partners with the Town of Bethlehem, who "physically" assists them; historically, MOSA has provided a 50% match to Otsego County's funding of the event.

A discussion ensued on who should apply for the grant, MOSA or the Counties separately. Chairman Thayer noted that MOSA is the Planning Unit for such activities and therefore, should apply for the grant.

Chairman Thayer then made a motion to amend the first resolved to state "Montgomery and Schoharie Counties", which Mr. Skowfoe seconded. Chairman Thayer noted that funding for HHW events was eliminated in the 2010 budget. He went on to say that Otsego County files for its own grant and may or may not be able to help fund the event itself; at this point, there is no funding in the MOSA 2010 budget to fund these events.

Ms. Podmajersky remarked that while that was true, the Board had said it would review finances in the spring of 2010 to try to fund HHW events in the Counties. She noted that Otsego County had been conducting its own HHW events long before Montgomery and Schoharie Counties had theirs in place.

Mr. Heaton stated that he would recommend leaving the resolution wording as is and noted that DEC recognizes that MOSA is the Planning Unit. He went on to say that keeping the wording the same in the resolutions leaves it open to all three Counties in case Otsego County is denied. Chairman Thayer asked if he believed Otsego County would be denied; Mr. Heaton replied that he did not; however MOSA has applied for the grant in the same way for several years and recommended leaving the language as is.

Chairman Thayer and Mr. Skowfoe withdrew their motion to amend and asked if anyone else wanted to sponsor the amendment. No one came forth; on roll call vote the resolution was unanimously adopted by all members present. (Edward Wesnofske was absent).

I. Resolution No. 12 Authorizing a Reduction in the MOSA Official Bag Rate

Chairman Thayer noted that the resolution was sponsored by Mr. Parker and asked for a second; Mr. Shields seconded.

Chairman Thayer advised that he had spoken with Mr. Heaton and Ms. Corrigan about the resolution and asked Mr. Heaton to elaborate on his recent experience with bag waste at the Oneonta Transfer Station. He noted that reducing the bag rate by \$1.00 per bag would create a \$65,000 loss in revenue.

Mr. Heaton advised that he had worked the past Saturday at OTS's new resident tip wall and noted the following regarding bag waste:

- ✓ Many residents paid for 1 bag but actually had more bags; out of several hundred vehicles, 60% paid the single rate but had more.
- ✓ Many of the bags were larger than the 30 gallon bags noted for the bag fee.
- ✓ The current bag fee helps to cover these issues.

Mr. Skowfoe remarked that he was dumbfounded by this information and asked if it was an honor system. Chairman Thayer advised that it was and noted that due to the volume it was too cumbersome to verify the number of bags in each vehicle. He continued, advising that it had been an honor system for a very long time and that with 150 to 200 cars in an eight hour period, it is impossible to check every vehicle. Also, checking each vehicle would slow down the process and the customers would be unhappy with policing of their vehicles. Mr. Heaton added that if verification showed the customer had more than the number of bags listed on their ticket it may cause a scene, and we really don't want to go there.

Mr. Shields stated that some haulers are giving consumers a break and shared that in Richfield Springs consumer rates were lowered about 10% at the transfer station there. He noted that vehicles are policed at that transfer station and thinks vehicles should be policed at OTS.

Chairman Thayer stated that with budgetary constraints due to defeasance, we don't want to have to hire someone to police.

Mr. Parker stated 200 customers per day paying \$1.00 less per bag equals \$100.00 and went on to say that he doesn't think the impact is in the tens of thousands as stated, he believes it is only a \$3,000 - \$5,000 impact. He continued, noting that there would be no lost tonnage and we would be paying the same for T&D.

Ms. Corrigan advised that 66,700 bags per year came in last year at OTS and NTS and that equals \$66,700 in lost revenue if the bag fee is lowered by \$1.00 per bag.

Mr. Skowfoe remarked that the Authority has made a lot of changes with defeasance and lowering the tipping fee and noted that we need to be able to recoup funds and support ourselves in some way. He stated that he would not support the resolution.

On roll call vote, the resolution was defeated with David Parker voting aye and John Mattas, Olga Podmajersky, Alexander Shields, Philip Skowfoe, John Thayer and Harold Vroman voting nay. (Edward Wesnofske was absent).

m. Resolution No. 13 Reinstating Partnership Funding to Each County for 2010 Household Hazardous Waste Day Events.

Chairman Thayer noted that the resolution was sponsored by Mr. Parker and asked for a second; Mr. Shields seconded.

Chairman Thayer asked for discussion. Mr. Parker explained that this resolution was explicit in the amount of partnership funding to each County, \$25,000, for budgetary and planning purposes.

Mr. Skowfoe asked where the money was coming from to fund these events. Mr. Parker stated the funding would come from Reserve Funds of the Authority. Mr. Skowfoe questioned how much was in the funds; Mr. Parker responded there were millions in the funds. Mr. Skowfoe stated that he would have to know the exact amount.

Ms. Podmajersky stated that \$25,000 would not cover the events. She noted that in 2009, Montgomery County's event cost \$23,000, Schoharie County's event cost \$32,000 and Otsego County's event cost \$30,000. Mr. Parker remarked that he was aware of that and had compromised and used the \$25,000 figure.

Chairman Thayer remarked that he does not believe HHW events will be funded by NYS DEC this year. He went on to say that the Counties are pulling back on what they are spending as well and doesn't believe they will fund the events either.

Motion to amend the resolution was made by David Parker and seconded by Alexander Shields, to add a reconciliation clause that states there shall be a budget year end reconciliation that rescinds said support from the Authority if the County does not self-fund a Household Hazardous Waste Day.

On roll call vote, the motion to amend failed with David Parker voting aye and John Mattas, Olga Podmajersky, Alexander Shields, Philip Skowfoe, John Thayer and Harold Vroman voting nay. Edward Wesnofske was absent.

Mr. Skowfoe stated that the resolution should go to the Finance Committee for discussion before coming to the Board.

Ms. Podmajersky asked Ms. Corrigan if there was any money in the budget slated for HHW events; Ms. Corrigan advised there was no money budgeted for these events at this time.

Ms. Podmajersky remarked that she is in favor of HHW events and that they offer a benefit directly to the public; however, she suggested applying for grants and looking at the numbers again in the spring to determine if funding could be made available to support these events. Mr. Skowfoe stated that he too was in favor of HHW events; however, he agrees with Ms. Podmajersky and believes the Finance Committee needs to review and discuss this later in the year.

Mr. Shields inquired about the amount in reserves or rainy day fund; Ms. Corrigan remarked that she would go over that information in the Finance Report. He went on to say that he wants to be prudent and believes the issue should be referred to committee.

Motion to table, and refer to the Finance Committee for review made by Philip Skowfoe and seconded by John Mattas.

On roll call vote, the motion was unanimously approved by all members present. (Edward Wesnofske was absent.)

n. Resolution No. 14 Reducing the Otsego County Shortfall Subsidy for 2009

Chairman Thayer noted that the resolution was sponsored by Mr. Parker and asked for a second; Mr. Shields seconded.

Chairman Thayer asked for discussion. Mr. Shields suggested allowing Ms. Sullivan to explain the process if the Board had any questions.

Chairman Thayer asked Ms. Sullivan how Otsego County established their recycling goal; was it based on a contractual number? Ms. Sullivan explained that the goal is established by using tonnages collected during 2007, 2008 and 2009; that number is 3400 and anything over that number reduced their costs with their hauler. Chairman Thayer remarked that in other words, they are using contractual numbers as their goal.

Mr. Skowfoe noted there were shortfalls in previous years and asked if they had exceeded their recycling goals in previous years as well. Ms. Sullivan responded that recycling goals were exceeded in 2008; however, now the County is being charged by the ton and the price does not go down when they meet their goals.

Chairman Thayer stated he received an e-mail from Mr. Wesnofske in which he noted his concern about Otsego County establishing its own recycling goal. Mr. Wesnofske suggested that Otsego County should work with MOSA input to establish recycling goals.

Chairman Thayer remarked that he believed the resolution should go to the Finance Committee and Otsego County should be invited to the meeting to discuss their numbers.

Motion to table and send to the Finance Committee made by John Thayer and seconded by Philip Skowfoe.

Mr. Skowfoe asked if the other Counties have recycling goals; Chairman Thayer responded that they did not.

Chairman Thayer noted that the Service Agreement states that MOSA is responsible for recycling programs not the Counties. Ms. Sullivan asked where in the Service Agreement this is stated. Mr. Shields remarked that Otsego County wants MOSA to live up to the Service Agreement and has sent three letters attempting to do so.

Mr. Skowfoe supported the possibility but wants it reviewed through the Finance Committee.

Mr. Shields stated that the request was sent to Mr. Heaton and there had been adequate time to review the information; he questioned Mr. Heaton as to whether there was enough information in the letters to be

presented to the Finance Committee. Mr. Heaton suggested sending the information for review to the Finance Committee, seeing how it ties to the Service Agreement and covering all bases appropriately.

Mr. Mattas stated that he is not prepared, knowledge wise, to vote on this issue and would like more time to review the information given. He added that it was not Mr. Heaton's decision on how to deal with this issue; it was the Board's decision. He suggested sending it to the Finance Committee for review.

Chairman Thayer remarked that there was a motion on the table and asked for a roll call vote. On roll call vote, the motion to table failed with John Mattas, David Parker, Philip Skowfoe, John Thayer and Harold Vroman voting aye and Olga Podmajersky and Alexander Shields voting nay. Edward Wesnofske was absent.

Mr. Skowfoe asked if he could comment more on the resolution and stated that he would have supported it had it come from the Finance Committee. However, he will not support it today as it did not.

Chairman Thayer asked for roll call vote on the resolution as it stands. On roll call, the resolution was defeated with David Parker, John Thayer and Alexander Shields voting aye and John Mattas, Olga Podmajersky, Philip Skowfoe and Harold Vroman voting nay. Edward Wesnofske was absent.

Mr. Skowfoe made a motion to send the discussion of the possibility of reducing the Otsego County Shortfall Subsidy for 2009 to the Finance Committee; Mr. Mattas seconded. On voice call vote, the motion was approved to go to committee with Olga Podmajersky voting nay and all other members present voting aye. Edward Wesnofske was absent.

6. Committee Assignments

Chairman Thayer advised Board members of their new committee assignments as follows:

- ✓ Finance – Olga Podmajersky, Chair; Harold Vroman and David Parker
- ✓ Planning – John Thayer, Chair; Philip Skowfoe and Edward Wesnofske
- ✓ Operations – Philip Skowfoe, Chair; David Parker and John Thayer
- ✓ Personnel – Harold Vroman, Chair; John Thayer and Alexander Shields
- ✓ Governance & Ethics – John Mattas, Chair; Alexander Shields and Olga Podmajersky
- ✓ Audit – Edward Wesnofske, Chair; Philip Skowfoe and John Mattas

Mr. Skowfoe asked for research to be done regarding the possibility of the Planning Committee being a Committee of the Whole. Chairman Thayer responded that he would look at the bylaws for latitude to do so.

7. Reports

a. **Chairman** - Chairman Thayer reported the following:

- ✓ The defeasance process is now complete
- ✓ The new tip fee of \$86 is in place as of January 1, 2010.
- ✓ Week by week tonnages show that Montgomery County is above their GAT and Otsego and Schoharie Counties continue to be below their GAT numbers.
- ✓ Montgomery County has a resolution on the floor regarding a change in their subsidy from \$20.50 per ton to \$16.50 per ton. The resolution will be voted on at this evening's meeting.

- ✓ Mr. Heaton is working on the possibility of getting the Northern Transfer Station (NTS) up and running for commercial work and making it “user friendly”.
 - ✓ Chairman Thayer, Mr. Heaton and Ms. Corrigan met with Riccelli, Casella and Waste Management representatives to discuss contractual issues and the possibility of getting a break on the contract for the remainder of 2010. Chairman Thayer noted they received little response on that request.
- Mr. Skowfoe asked if there would be a new T&D Bid going out. Chairman Thayer responded that there would be; however, there will be separate bids done for disposal and hauling.

Mr. Shields inquired about the cost to get the NTS facility up and running and remarked that the haulers would be happy.

Chairman Thayer responded that estimated costs are being reviewed regarding getting the whole site upgraded with the sole objective for MOSA to become user friendly to customers, haulers and the Counties. It will all come down to dollars and cents, but hopefully, we will be able to turn MOSA around to benefit the public.

- 8. Defeasance** –A memo regarding the financial details of the bond defeasance is attached to these minutes. Mr. Heaton reviewed the summary of costs associated with the defeasance process and advised that the funds left over are now in Reserve Funds.

Mr. Shields asked if the \$21,000 fee for the attorney was for bond counsel. Ms. Corrigan advised that Ms. Chale was both general and bond counsel for the Authority.

Chairman Thayer informed the Board that he had received a resume from attorney Peter Rayhill. Mr. Skowfoe remarked that Mr. Rayhill was working for Hans Arnold on a new Service Agreement with the Counties and working for MOSA would be a conflict of interest. Chairman Thayer responded that if hired by MOSA, Mr. Rayhill would have to resign from his work with Mr. Arnold and the Counties. Chairman Thayer remarked that he had no recommendation on the matter; it is purely informational. He went on to say that if anyone wanted a copy of the resume, it was available.

- 9. Finance** – Ms. Corrigan reported the following:

- ✓ She is working on reducing the size of the Finance Report and noted that there was now a summary report with the Year to Date GAT Tonnages by County on one side and Actual vs. Budget Report on the other side.
- ✓ The overall GAT shortfall is 2,616 tons, due to Otsego and Schoharie County shortfalls.
- ✓ The Schoharie County shortfall payment was received last week.

Mr. Skowfoe remarked that if Otsego County’s GAT was reduced by exceeding recycling goals as requested, then Schoharie County would have overpaid MOSA on its GAT. Mr. Parker stated that would have to be reviewed by the Finance Committee as well. Chairman Thayer noted that Schoharie County could do the same if they had contractual recycling numbers. Mr. Skowfoe remarked that he would have to research that information.

Ms. Corrigan continued:

- ✓ Operating income as of December 31, 2009 was \$70,000.

- ✓ Current Reserve Fund account balance is \$1,571,730.24.
 - Current Rate Stabilization account balance is \$0.
 - Equipment Replacement fund account balance is \$670,703.93.
 - Buildings & Grounds account balance is \$518,579.40.
 - Operating Reserve account balance is \$382,446.91. The lack of reserves needs to be addressed.
- ✓ The Revenue Account balance is \$2,197,600, after being reduced for the December Riccelli payable.
- ✓ Total liquid amount is \$3,768,495.
- ✓ Equipment Replacement Schedule needs to be reviewed by the Operations Committee.

Mr. Shields inquired if the treasuries purchased by Mr. McCarthy in the defeasance process went out to 2014; Ms. Corrigan advised that they did not. These treasuries mature as needed for debt payment.

- **Treasurer's Report** – Ms. Podmajersky reviewed the report:
 - ✓ Reviewed disbursements made in December 2009.
 - ✓ Noted that year to date it cost \$3 million to run MOSA excluding T&D and Debt Service.
 - ✓ The \$3 million dollars includes costs for staff, supplies and costs associated with running the transfer stations.

10. Executive Director – Mr. Heaton read through his report, a copy of which is attached to these minutes.

Mr. Shields remarked that the three Counties were working to change the Service Agreement. Chairman Thayer noted that in order to change the Service Agreement, MOSA needs to sign off as well. Mr. Shields asked where in the Service Agreement that was noted; Chairman Thayer remarked that he would review the agreement with Mr. Shields.

- **Committee Item Recommendations**
Mr. Heaton noted that he had put together a list of recommended items for the various committees to review, a copy of which is attached to these minutes. The details of the list were not discussed in this meeting but are meant for review by Board members prior to committee meetings.

11. Other Business

Chairman Thayer asked if there was any other business in addition to the signing of new signatory cards, which could be done after the meeting. None was brought forth.

12. Closing

Mr. Vroman made a motion to adjourn, Mr. Mattas seconded and on voice call all member present approved. The meeting adjourned at 4:08 p.m.

Respectfully Submitted,

Judith Beeler,
Confidential Secretary



DENNIS HEATON
EXECUTIVE DIRECTOR

MONTGOMERY - OTSEGO - SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY

DATE: January 25, 2010
TO: Board Members
FROM: MOSA Management
RE: Bond Defeasance

On December 21, 2009 the orders were placed for State and Local Government Securities as directed by Richard McCarthy and verified by Jack Blumenthal of Causey Demgen & Moore Inc.

Payment for defeasance of the EFC bonds totaled	\$ 469,888.43
Payment for defeasance of the 2003 bonds totaled	\$ 9,594,024.39
Total defeasance cost	\$10,063,912.82

This total is below the Board approved funds of \$10,327,478.60

Listed below are the additional costs associated with the defeasance:

MOSA Escrow Agent	\$ 3,000
EFC Escrow Agent	\$ 3,000
Verification Agent	\$ 3,000
EFC Counsel	\$ 7,000
MOSA Attorney	\$21,120
MOSA Calculation	\$ 4,680
Total Professional Services Payments	\$41,800

Defeasance was successfully completed on December 30, 2009 with the purchase of the securities identified by Richard McCarthy, of Environmental Capital LLC and verified by Jack Blumenthal, of Causey Demgen & Moore.

MONTGOMERY - OTSEGO - SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY

Executive Director's Report

Subsidy

Subsidy Agreement status
Otsego Tip Fee Method executed agreement
Montgomery County subsidy adjustment

Tonnage

Pursuing lost tonnage

- Hauler calls, visits, correspondence
- Major hauler delivery status
- Hauler after hours site meetings

Operations

Supervisors meeting

- Facility inspection program
- Productivity reporting and review
- Work order reviews
- OTS repairs
- OTS tip wall
- NTS re-open evaluation
- Montgomery County roll-off/demo work
- Schoharie County roll-off work
- Holiday/Saturday operations
- Part-time TSO ad

DEC

WTS operational permit renewed
Part 364 Waste Transporter permit updated
DEC Post Closure meeting

Recycling

ATS OCC
Xmas trees
Future recycling opportunities
Recycle market search

Other

Schoharie County Shortfall Payment
Montgomery/Otsego/Schoharie Board and Committee meetings
Riccelli/Casella/Waste Management meeting
Otsego informational request
Committee item recommendations

MONTGOMERY - OTSEGO - SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY

Committee Item Recommendations

Operations:

- NTS Re-opening Evaluation
- Otsego County Recycling RFP
- Leachate Collection Processing
- Recycling Director Position/Programs
- Equipment Replacement Schedule Review

Personnel:

- NTS Re-opening Evaluation – Staff
- Transfer Station Supervisors
- Recycling Director Position
- Accountant Position: Changes/Duties

Finance:

- Reserve Funds Post Defeasance
- Post Closure Accounts
- NTS Re-opening Evaluation – Cost
- Recycling Director Position
- Accountant Position: Changes/Duties
- Otsego County GAT Shortfall Reduction Request
- HHW Program

Planning:

- T&D RFP
- Reserve Fund: Shortfall Payment Utilization
- HHW Program
- Greenhouse Gas/Landfill
- Otsego County Letter
- 5 year Plan

Audit:

- Scale House Procedures
- Audit Status

Governance & Ethics:

- Board Member Training