

ULSTER COUNTY RESOURCE RECOVERY AGENCY

MINUTES OF THE REGULAR BOARD MEETING

June 24, 2015

The Ulster County Resource Recovery Agency held a Regular Board Meeting on June 24, 2015, at 999 Flatbush Road, Town of Ulster, NY.

The proceedings were convened at 3:00 pm.

The following Board members were present: Chairman Leon Smith; Vice Chairman Catherine Nilsen (absent); Treasurer Charles Landi; Member Dominic Tagliaferro and Member David Gordon.

Also present were: Executive Director Timothy Rose; Counsel / Secretary Kenneth Gilligan; Controller Tim DeGraff; Operations Manager Charlie Whittaker (arrived at 3:05); Compliance Officer Tom Briggs (excused); and Administrative Assistant Melinda France.

From the public: Joel Brink, Councilman for Town of Ulster; William Kemble of the Daily Freeman; Jim Craven, Manager of the Town of Hurley Transfer Station; Dennis Doyle, Director, UC Planning Department; Ken Crannell, Deputy County Executive of Ulster County; Amanda LaValle, Coordinator, UC Department of Environment; Marc Rider, Director, UC Department of Purchasing; Jonathan Engel, Assistant County Attorney; Dan Leary, Sr. Project Development Manager of Solar City, John Parete, Chairman of the UC Legislative Office and Laura Petit, Recycling Coordinator of the Town of New Paltz.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Leon Smith opened the meeting up for Public Comment. No one spoke at this time but if anyone wanted to make a comment after the presentation he would open it back up.

CHAIRMAN'S COMMENTS

PRESENTATION REGARDING THE PROPOSED SOLAR PANEL INSTALLATION AT THE ULSTER LANDFILL

Ken Crannell, Deputy County Executive presented his team which included Marc Rider, County Director of Purchasing, Dennis Doyle, Director of Planning; John Engel, Assistant County Attorney and Amanda LaValle, Coordinator of the Department of Environment. Ken Crannell thanked the Board for the time on the Agenda.

Ken Crannell, Deputy County Executive stated they came to talk about an initiative that they spent a lot of time working on over the past year; renewable energy. The Ulster County government has done a lot of work over the last several years to look at the County's operations and to try to be very environmental sensitive, look at their stewardship and to move the County forward with regards to sustainable. The Ulster County's government buys 100% of its electricity through renewable resources and is done through renewable energy credits which the County pays a premium to ensure it. Ken Crannell stated

his team wants to take it to the next level. They spent time on it over this past year identifying how Ulster County become a large scale energy producer. They worked with the EPA. Amanda LaValle and the EPA looked at various sites. He stated there are not a lot of open space in Ulster County that would be appropriate for large scale solar installations. The two sites that they focused on, that would provide opportunity and a lot of value to Ulster County, were the Ulster County Community College and Town of Ulster Landfill site. He stated what they are looking to do is to get the initial support from the Agency's Board to move forward with the application to NYSEDA for large scale solar installation. The total project between two sites would be just under 4 megawatts. The Ulster Landfill would generate 2.6 megawatts of electricity and cover 7 to 10 acres of solar panels and will be a benefit to the County. He stated that it would allow the County to offset about 27% of its electricity needs through renewable energy. The County believes this site would be right for this situation because it has been capped and closed for many years. The County believes this will serve the environment in a positive way. They are requesting the Agency's Board an initial support, understanding there would have to be more detail discussion for licensure or interest for the County to move forward with the panels. This installation will present some challenges with the Agency that they would be willing to address; identification and mowing. He talked about the County and the Agency partnering together on different environmental issues. He said he knows this would be a good partnership and great use of the facility. This would be a power purchase agreement the County would enter into with SolarCity and this is a preferred vendor which can be accessed through the County's purchasing processes.

Ken Gilligan wanted to know if 27% of the County's electrical needs is just for the Ulster Landfill. Ken Crannell stated yes.

Ken Gilligan believes that the Agency's agreement with the Town of Ulster states the Agency would need to have permission to construct anything on the site even though the Agency has ownership of the property.

Ken Crannell stated that today's presentation is for support of the application to go forward and they understand that there needs to be more of a detail discussion to reach an agreement.

Dominic Tagliaferro wanted to know if there is a deadline for the application.

Ken Crannell stated they are in that process now, where everything needs to be finalized and submit.

Marc Rider, County Director of Purchasing added the NYSEDA grant program is a planning block program which opened up around May 4th; it is on a first-come, first-serve. They have a block that provides a certain incentive and that is 120 megawatts that is available throughout the entire NYS outside of Con-Edison. He stated that as the first block fills up, you go to block 2, and the County's cost will go higher to purchase. No deadline, just as it fills.

Dominic Tagliaferro wanted to know if the application fulfills that requirement to meet that first block.

Marc Rider stated the last thing the County is waiting on is approval from the Agency Board and SolarCity would move forward and pay Central Hudson for an interconnection study. That would allow the County to get the application into NYSEDA and would put the County in the first block. He stated it would be awhile before construction would start. The County would need to get an agreement from the Agency's Board and as soon as there is a resolution of support, SolarCity will pay the interconnection study and can move forward.

Dominic Tagliafierro wanted to know if this project went out for a RFP. The County stated there is an alliance called Municipal Electric and Gas Alliance who did an RFP and Solar City won the RFP and allowed the County to piggyback off.

Ken Gilligan wanted to know if they need a resolution for support but not a contract. The County stated they are just looking for resolution of support at this time, no contract.

The Agency Board discussed about permission with Town of Ulster, memorialize the resolution, and what is in the agreement with the Town of Ulster.

The County stated this is early on in the process they just need a memorializing resolution.

David Gordon wanted to know if there was any environmental negative issues. Amanda LaValle, Coordinator of the Department of Environment, commented as no. She stated they did a site screening with EPA last year on the three closed landfills; Lloyd, New Paltz and Town of Ulster. Town of Ulster showed benefits because of the location and close to large commercial usage.

David Gordon asked if they are solar panels or mirrors. Amanda LaValle commented as solar PV panels. She stated there will be minimal site disturbance.

David Gordon wanted to know how the County envision the financial accepts of this project. Ken Crannell responded that this is a power purchase agreement and the County agrees to buy the power at a set rate for a certain amount of time. This would a 25 year commitment by the County and power.

David Gordon wanted to know the financial issues to the public entity, would save money on their power purchases. Marc Rider responded that they wouldn't even save much money. One year ago there was an executive order in place that they would buy 100% of their electricity through renewable resources and that would be done as net zero way in the budget. There is not a guarantee savings.

Dominic Tagliafierro asked how old is the cap on the landfill and what is the useful life of the cap if we construct on top of the cap. He also asked about the maintenance.

Tim Rose responded that the Agency has a shared service agreement with the Town of Ulster. He stated the Agency grinds all their wood and the Town of Ulster mows all three of the landfills. DPW would take over all the mowing. He stated that there should be no issues with the cap and the cap is about 20 years old. He stated that there would have to be an application approval with DEC before the panels could go up.

Leon Smith wanted to know what it would be for the Agency do this; financial wise. Ken Crannell stated it does not generate revenue, it would be a partnership opportunity. It has a positive public environmental impact, they would do all the mowing and other opportunities for the Agency they can lend support.

David Gordon asked if the County could share the electricity with the Agency. Ken Crannell stated that electricity cannot be directly shared. Marc Rider added there is no way to have more than one agency/municipalities on one's BPAs (?). They want one buyer.

Dan Leary, Sr. Project Development Manager of SolarCity clarified that in the State the way the regulations work with utilities with combining the credits is with one utility customer per system. He

stated that legislation is working on community solar which may be done by the end of the year where multiple entities can buy off of one project.

David Gordon asked that if under the current rules, even though the County is the sole purchaser from SolarCity, they can't turn around and provide the power of the cost to someone else. The County stated the credits that will come off the project at the Ulster Landfill will be administered by Central Hudson on to any of the utility meters under the parent account of the County.

David Gordon asked if the County has a surplus, could the County help out another public entity. The County responded not the way the regulations work currently. Ken Crannell stated the County sees a lot of opportunities of other solar projects that could benefit the Agency and they would be willing to assist.

Leon Smith asked if the Board gives a memorializing resolution the money would be spent to start the project without a contract and no contract is ever made what would happen. Marc Rider stated no impact on the Agency.

Ken Crannell stated there is a lot of benefits in partnering.

Leon Smith asked if the County wanted a memorializing resolution today at this meeting. Ken Crannell stated yes. Leon Smith stated that he would like to research it and see if the Agency can do this project legally. There was no direct resolution prepared.

David Gordon believed the Agency would need to get the Town of Ulster's approval. Ken Gilligan stated the Agency owns the land but needs to have permission to build anything on the land.

Amanda LaValle stated this construction process would have to go through a SEQRA review.

Leon Smith stated that if the Board wants to agree to this, Ken Gilligan needs to draw up a resolution. Ken Gilligan stated that he should meet with the County Attorney and put a resolution together that both parties agree with. Leon Smith stated that the Board shouldn't agree on something without a resolution.

Tim Rose asked if their deadline is next week. Marc Rider stated that there is no specific deadline but every day that passes another project gets funded.

The County thanked the Agency for their time.

LEON SMITH, CHAIRMAN OPENED THE MEETING UP FOR PUBLIC COMMENT

Joel Brink, Councilman for Town of Ulster commented on the presentation regarding the solar panels. He stated he would like the Town of Ulster's Counsel, Mr. Kovac to look at the memorializing resolution. He also stated that people in the Town of Ulster are always concerned on how things look and he stated that these panels will raise about 25 to 50 feet from the ground level in that area and he is wondering how the panels will be constructed so they are not an eyesore. Ken Crannell stated they spent a lot of time reviewing sites and this site addressed a lot of the concerns people may have.

Leon Smith stated that once it goes through the SEQRA review it will have public opinions on it as well.

Amanda LaValle stated that you might see the tops of the panels at the mall parking lot.

Ken Gilligan asked how high the panels would be. The County stated that the structure of the panels would be facing south from the roadway you would see the side profile and the lower edge would be 2-3 feet off ground and the higher backend is 6-7 feet.

Dominic Tagliaferro asked if at the end of the contract who would be responsible for the solar panels. Marc Rider stated at 6 years and 20 years the County has the option to purchase the array outright and the County would be responsible; the initial lease the County would have to come back to the Agency. The County can chose not to repurchase and SolarCity would take the array off and be responsible for putting the landfill back to the original state.

Leon Smith state that the Agency expenses run around \$120,000 a year to service that landfill not including bond payments. He believes there is about \$680,000 left in bonds.

Tim Rose stated that one Bond will be paid off next year and the other will be in 2017.

Ken Crannell mentioned the County would like to work on some other solar projects with the Agency.

The County thanked the Agency's Board for their time.

PUBLIC COMMENT:

John Parete spoke about where he works, electronics are being dumped off with no place to put them in the Transfer Stations. He said he doesn't have a solution but stated this was his observation. He also stated he reads the Minutes and has not seen any mention of the presentation regarding the solar panel installation at the Ulster Landfill. He stated that in his years of being involved everything is always last minute. If he was on the RRA Board he stated that this might be a great opportunity for the Agency to sell it to them and to get out of any obligations. John Parete said as the County Legislative Chairman, he knows a lot of folks that want out of the business altogether. He said coming in today, he didn't know anything about this, and wanted to know "what is the rush".

APPROVAL OF MINUTES

The Minutes of the May 27, 2015, Regular Board Meeting were moved by Charles Landi and seconded by Dominic Tagliaferro. 4 in favor. None opposed. 1 absent (NILSEN).

COMMUNICATIONS AND ANNOUNCEMENTS

A Regular Board Meeting has been scheduled for Wednesday, July 22, 2015 at 5:00 pm.

GENERAL REPORTS

Tim Rose presented the MSW, Recycling and Leachate Collection reports.

MSW

Tim Rose stated that MSW target tons for May was 10,770 tons and brought in 10,515 for difference of 255 tons. He stated if you look down at the bottom we are 360 to the good.

RECYCLING TONNAGE

The Recycling tonnage report was compared to the prior year. Last May for commingle we did 64 tons and this year we did 53; glass was 52 tons and this year it is 44; mixed news was 124 tons and this year 118; Single stream last year was 456 tons and now it is 664; OCC was 192 tons last year and it is down to 114 this year.

Charles Landi mentioned food waste doubled.

COMMODITY REPORT

Tim Rose noted the commodity report is in the Board packet. This shows who we sold what to and the prices. Tim stated that NR means no response.

Leon Smith made a motion to approve the Commodity Report. Charles Landi moved and Dominic Tagliaferro seconded. 4 in favor. None opposed. 1 absent (NILSEN).

LEACHATE COLLECTION

Tim Rose noted that last year in May we did 217,000 gallons and this year we did 6,500 out of Ulster and last year in May we did 185,500 gallons and this year we did 105,000 out of New Paltz.

FINANCIAL MATTERS

Tim DeGraff presented the May, 2015 Treasurer's Report. He stated we had 10,515 tons. He pointed out that compost tipping fees are picking up because of the season and are up \$5,300 from the prior year. Total revenues for the month were \$1,200,295. Total operating expenses for the month were \$818,763. The result was net operating revenues of \$381,532. Year-to-date fund balance deficit is \$930,778 which is approximately \$700,000 better than this time last year.

Leon Smith made a motion to approve the May, 2015 Treasurer's Report, Charles Landi moved and seconded by Dominic Tagliaferro. 4 in favor. None opposed. 1 absent (NILSEN).

MRF COST CENTER ANALYSIS

Tim DeGraff stated May was more of the same that we have seen this year. Total sale of recyclables were \$10,457. Material is still being held in inventory. The net loss for May before depreciation was \$17,915 and after depreciation was \$28,950; year-to-date net loss before depreciation was \$83,715 and after depreciation \$138,890.

ADMINISTRATIVE MATTERS

Resolution No. 2349 Re: Termination of Solid Waste Management Agreements with the Towns

Leon Smith moved to the floor **Resolution No. 2349**; Motion to TABLE was made by Charles Landi and seconded by David Gordon. 4 in favor. None opposed. 1 absent (NILSEN).

OLD BUSINESS

Leon Smith passed out a copy of letter that was negotiated last year for this year services and was part of the budget. The pull charge fees will go up and the Towns will start paying rentals on MSW boxes until the end of the year. This will start July 1st. The box rental fee is higher in the letter than what is proposed in the Contracts that are out there now.

Tim Rose stated that if the Board wanted to change the rates that they would have to do that because they made that approval last year. The Board stated they would not want to change it. Ken Gilligan also mentioned that the Towns already budgeted those increases in their budget.

Leon Smith stated the Contracts were sent out and the Towns have until July 17th to respond. Tim Rose stated that he spoke to Supervisor Carl Chipman and Supervisor Chipman advised that he spoke to several other Supervisors who are OK with Contract but would like copies of our insurance.

Dominic Tagliaferro stated he would like to have seen more enforcement in the Contract.

Charles Landi wanted to know if Tim Rose and Charlie Whittaker were OK with Contracts. Charlie Whittaker stated that they went through the Contract and they were fine with the Contract.

NEW BUSINESS

Charles Landi asked for status on the Recycling Coordinator position. Tim Rose stated the Agency received approximately 50 applications and more than half were not qualified. He stated he did not have to go to the Recycling Educator position. He stated that he has picked 6 to interview and 5 have scheduled an interview at this time.

Tim Rose also stated that the cameras have been installed and they record up to 60 days. He stated that he has a monitor in his office as well as Charlie Whittaker. Greylocks will be done within 2 weeks and will provide training on how to work the cameras.

Charles Landi asked about the LED lighting project. Tim Rose stated it is done and the lights make a big difference.

Tim Rose also stated tire guards are being installed on the MRF scale. Ulster and New Paltz have them.

Leon Smith discussed about putting a time and date on electronics instead of people coming in any time.

Tim Rose stated that on all of Agency's signs and website states Monday through Friday; 8:00 AM-3:00 PM for electronics.

There was a brief discussion on electronics regarding how the program works, how many people come in, amount collected, setting a certain time/day(s), and people being angry if the Agency sets a certain time/day(s).

MOTION to ADJOURN the June 24, 2015, Regular Board Meeting at 4:14 pm was made by Charles Landi and seconded by Dominic Tagliaferro. 4 in favor. None opposed. 1 absent (NILSEN).

The above transcribed Minutes of the June 24, 2015, Regular Board Meeting were moved by Leon Smith. 5 in favor. 0 opposed. 0 absent. The Minutes were UNANIMOUSLY APPROVED by the Board.

Date: July 22, 2015