

**ULSTER COUNTY RESOURCE RECOVERY AGENCY
MINUTES OF THE REGULAR BOARD MEETING
NOVEMBER 22, 2021**

The Ulster County Resource Recovery Agency held a Regular Board Meeting on November 22, 2021. This meeting was held in person at the Agency's Main Office located at 999 Flatbush Road, Kingston, NY 12401. The meeting was also video streamed via Webex.

The proceedings were convened at 12:12pm.

The following Board members were present: Chair Katherine Beinkafner, Vice Chair JoAnne Myers (virtually), Treasurer Charles Landi, Member Lisa Mitten (virtually), and Member Thomas Kacandes (arrived at 12:20pm).

Also present were: Counsel/Secretary Kenneth Gilligan, Executive Director/Controller Tim DeGraff, Director of Operations and Compliance Charlie Whittaker, Director of Sustainability Angelina Brandt, Administrative Assistant Brenna Whitaker (virtually) and Compliance Officer Larry Ricci.

From the public: Daily Freeman reporter Bill Kemble, Reporter Hank Gross (virtually), Ulster County Legislator Manna Jo Greene, Town of New Paltz Representatives Cara Lee, Ted Nitza, and Marty Irwin (all virtual), Holly Shader, and Ann Oros.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

None.

CHAIR'S COMMENTS

None.

APPROVAL OF MINUTES

- Katherine Beinkafner apologized to Charles Landi for saying he was "out of his gourd" as written in the minutes.
- Charles Landi said that he has an issue with Katherine Beinkafner saying that she prefers a waste to energy plant over a landfill. He stated that the cost to build an incinerator like the one in Dutchess County would be around \$250,000,000.
- Katherine Beinkafner responded that she did not say anything about incineration. She thinks its old technology, there is newer technology and yes it may be expensive. She added that Ulster County would have to team up with other counties in order to have enough garbage to make it work.

Lisa Mitten motioned to approve the minutes of the October 25, 2021 Regular Board Meeting. Seconded by JoAnne Myers. 4 in favor, 0 opposed, 1 absent (Kacandes). The motion was approved.

COMMUNICATIONS AND ANNOUNCEMENTS

The next Regular Board Meeting will be held at the Agency's Main Office on December 27, 2021 at 12:00pm.

- JoAnne Myers said she doesn't know if she will be able to make it.
- The other present members said they will be able to be there.

RECYCLING OUTREACH TEAM PROGRAM UPDATE

- Angelina Brandt introduced Holly Shader and Ann Oros, who were there to receive the NYSAR³ Recycling Leadership Award in the citizenship category on behalf of John Wackman. She stated that this award represents an individual whose actions or creative solutions have significantly furthered waste prevention, reuse, and recycling in New York. She read the following:

"I nominated John Wackman because John was a visionary to all who knew him. John was the coordinator, communicator, and cheerleader for the Repair Café Hudson Valley initiative. John organized the 1st Repair Café in New York State in New Paltz back in 2013, which was also only the 4th in the nation at that time.

It was John's passion, energy, and dedication that kept those early Repair Cafes running and kept the volunteers engaged and motivated. Residents from surrounding towns came and caught the Repair buzz ignited by John's charisma and the local Repair Café Hudson Valley movement rippled out from there. As a direct result of John's endless volunteer time and leadership, Repair Cafe is now active in more than 40 communities in 10 counties in the Hudson Valley, the Catskills and the Capital Region.

Over ten years John became a sought-after spokesman for the movement, giving presentations and workshops, organizing events, his generosity with his time seemed absolutely endless for this cause. John even participated in our local solid waste management planning process at UCRRRA to ensure reuse was central to the future of his community. John became a cherished community advocate and received an Environmental Protection Agency Environmental Champion Award for his community work.

In October 2020, just ten weeks before his untimely passing, John published his book "Repair Revolution: How Fixers Are Transforming Our Throwaway Culture" with co-author Elizabeth Knight, a volunteer from the Warwick Repair Café. Foreward Reviews recognizes the best books published by small, independent, and university presses. Their book, Repair Revolution was selected for the bronze award in the Home and Hobbies category in the 2020 Foreword Indies Awards.

John has been widely recognized as the prime pioneer of the Repair Cafe movement in the Hudson Valley, and the catalyst for greater environmental movements in upstate New York....John was, and continues to be, a visionary for all who knew him for his positivity, creativity, and passion for the right to repair. All who knew John will join me in celebrating just how deserving he is of this recognition and how his legacy will inspire the next generation of

community leaders, environmental planners, and as John would say, 'expert fixers, who are also your neighbors'

Thank you NYSAR³ for recognizing John as an outstanding citizen in our NYS recycling community. I present this award to Holly Shader, John's partner and Ann Oros, John's sister."

- Manna Jo Greene stated that Legislator Tracey Bartels was able to get \$75,000 in the capital plan for 2022-2027 to do a feasibility study to make John's vision of a Reuse Innovation Center real here in Ulster County.

Angelina Brandt presented the program update:

- For the month of November the Agency's message was celebrating America Recycles Day which is nationally celebrated on November 15. The message was spread through radio and print news PSA's, a social media campaign, a live tour of the Agency's MRF, and blog posts. A memo about America Recycles Day also went out to all Town Supervisors and Transfer Stations. A media kit with all of the Agency's booklets and flyers was included. The Transfer Station operators also received UCRRR hats.
- The Recycling Outreach Team launched a library display initiative that will roll out in 2022, so that local community centers can borrow complete kits to do displays on specific themes and messages.
- The Recycling Outreach Team did a site visit consultation for the Orpheum Theater in Saugerties. This is a free service the Agency offers that is underutilized. The process involves going into a business and analyzing their current waste and recycling practices to help them further maximize waste reduction. The consultation for the Orpheum Theater culminated in recommendations including zero waste sorting stations, initiating a composting program, incorporating film plastic recycling, and others.
- Charles Landi asked Manna Jo Greene about the \$75,000 for the Reuse Innovation Center.
- Manna Jo Greene responded that the day before John Wackman passed away he sent an outline for the implementation of his vision. The Legislature considered that part two of the zero waste implementation planning process.

GENERAL REPORTS

FINANCIAL MATTERS

Tim DeGraff presented the October Treasurer's Reports and MRF Cost Center Analysis.

Treasurer's Report

For the month of October the Agency's MSW tons were 9,823 and C&D tons were 4,028. Revenue line items of note: HHW/MWRR/FSR Grants \$5,785 (P2I Grant). Total revenue for the month was \$1,701,443. Expense line items of note: Administration Expense \$353,923 (due to 3 payrolls), MRF Operations \$14,313 (baling wire \$5,024), HHW Cleanup Day \$33,291 (final HHW event), CLF Monitoring and Maintenance (NPLF/UCLF annual post closure monitoring \$11,285). Total operating expenses for the month were \$1,525,856. Net operating revenue was \$175,587. Capital outlay \$94,027 (additional

concrete work for DEC compliance). For the month of October, the fund balance was \$81,560. Year-to-date \$422,686.

Katherine motioned to approve the October 2021 Treasurer's Report. Seconded by JoAnne Myers. 5 in favor, 0 opposed, 0 absent. The motion was approved.

MRF Cost Center Analysis

For the month of October, the total sale of recyclables were \$51,120. Total transport/disposal costs for October were \$4,023. Net revenue of \$47,097. Total personnel expenses were \$50,489. Total operating expenses were \$14,879. Total personnel/operating costs were \$65,368. Net loss for the month of \$18,271. Year-to-date net income of \$124,459

ADMINISTRATIVE MATTERS

OLD BUSINESS

Town Landfill Resolutions

- Tim DeGraff informed the Board that the Agency has received formal resolutions opposing a landfill within their borders from seven Ulster County towns including: Rosendale, Ulster, Lloyd, Shawangunk, Esopus, Plattekill, and Hardenburgh.
- JoAnne Myers suggested educating the towns about where their waste is currently going and the cost, as well as the impact of nimbyism.
- Tom Kacandes suggested a letter that can be sent in response to each resolution the Agency receives.
- Katherine Beinkafner said that the Agency should add some information about waste reduction and how to recycle correctly.
- Tim DeGraff responded that the Agency has already been giving this educational information to the towns.
- Angelina Peone added that since she has been with the Agency she has held four biannual meetings for the MRDC's to talk about waste and recycling as well as networking for people in the industry. Some meetings have been well attended, others not so much. She said that because the Agency continues to give out this information, it may be redundant to add it into the response letter. She said she thinks it may be wise to communicate where the Agency is in the process and explain that the Agency is not actively siting a landfill with this mapping project.
- Tom Kacandes noted that these resolutions most likely only included the Town Boards and had nothing to do with the MRDC's. He recommended a reply to the letters similar to what JoAnne Myers stated above.
- Ken Gilligan suggested that these letters could be just about the Town Boards getting their constituents riled up.
- Charlie Whittaker said that the MRDC's make up a small portion of the recycling in the county, and most recycling is single stream which is the real problem. He also lamented the fact that residents can make a complaint to the Agency about non-recycling, but the Agency cannot enforce it. He said the Legislature needs to do something about that.

- Tom Kacandes recommended the Board create a resolution requesting that the Legislature put an Administrative Law Judge in place so that violations can be enforced, noting that this has been requested since 2008. He gave the following wording: "The Agency requests that the Ulster County Legislature appoint an Administrative Law Judge to assist with the enforcement of the existing recycling and waste management laws. This request has been made in public since the year 2008. It is timely given the clear unsuccessful move to single stream recycling.
- Katherine Beinkafner directed Ken Gilligan to use that wording to draft a formal resolution that will be voted on at the next meeting. The resolution will then be given to the new Chair of the Legislature.

NEW BUSINESS

Landfill Solar Project

- Tim DeGraff introduced Cara Lee and Ted Nitza who are part of New Paltz's solar Ad Hoc Committee. The Town is requesting to put a solar array on the closed landfill in New Paltz. He stated that in 2019 the Agency was waiting for a proposal from the Town of New Paltz Attorney, then the project fell to the wayside. He asked Cara Lee to join the meeting today to give a report on where they are in the process and what they need from the Agency.
- Ted Nitza said that today they are here to present their recommended solar project to the Board. The project would be through a long-term lease agreement between the Town and the solar developer to establish a solar installation on the closed landfill on Clearwater Road.

At the last Town Board Meeting the Board took the final SEQRA administrative action and approved the lease agreement with Sunlight General Capital. This proposal reflects that they dismissed an earlier project proposed for 2019. They issued a new RFP that redefined and limited the development to just the surface of the landfill. The DEC has stated that closed landfills are excellent places for solar development because it is open and flat with no other productive use.

The agreement with the solar developer calls for the following things: the developer would be responsible for construction, installation, and obtaining permits. They will own, operate, repair, and maintain the system, and remove the system when it's done at the end of the lease period.

The agreement is also protective of the landfill operations such as the protective cap and the leachate system. The Town of New Paltz Attorney will share that information with the Agency's Attorney.

The landfill and cap system are doing very well right now and have not shown any need for significant repair or capital planning.

The approval of the agreements that have now been put in motion will generate energy equal to about 550 New York households. The Ad Hoc Committee hopes that this will lead by example for other communities. It also has NYSERDA grant money tied to it.

What the Ad Hoc Committee is requesting today is for the Agency's Attorney to confer with the Town of New Paltz Attorney and determine acceptable ways the Town could lease the capped closed landfill space like described today. The Town and the solar developer are eager to move forward. The Town Board has already authorized the Town Supervisor to sign the agreement.

- Ken Gilligan stated that his only concern is that the lease with the developer doesn't inhibit the Agency's ability to collect sludge and monitor the Landfill, which is required under contract.
- Ted Nitza replied that there is a section in the agreement that mentions the Agency, and its existing facilities and agreements. The Town of New Paltz attorney will send the agreement to him to look over.
- Katherine Beinkafner asked how many years this lease is for.
- Ted Nitza replied that the initial agreement is a term of 25 years, with the ability to renew at five year increments four times. The option period at the beginning could be up to two years.
- Tom Kacandes asked what the DC capacity is for the project and what the anticipated developed area is.
- Ted Nitza replied that the capacity is 3 megawatts and that the project would be on about 10 acres.
- Charles Landi stated that in 2020 the Town of Ulster did its solar array. It generated 2.6 megawatts, or 27% of Ulster County's total year's consumption. He said if the Town of New Paltz is looking for cooperation from the Agency, there should be a leg that comes off of the solar array to compensate for the money the Agency spends in electricity for the New Paltz Transfer Station.
- Tom Kacandes replied that they cannot legally directly supply the Agency with electricity. He said an economic arrangement could be made, but electricity cannot be directly supplied as it is against the laws that oversee electricity.
- Katherine Beinkafner suggested the Town of New Paltz pay the electric bills for the transfer station.
- Tim DeGraff said electricity at NPTS costs about \$10,000 per year.
- Charles Landi said that if the Town of New Paltz wants the Agency's permission to use the Landfill, which they need, then the Town needs to pay the Agency \$10,000 per year.
- Katherine Beinkafner suggested getting rid of the host community benefit instead.
- Ted Nitza replied that the economics of solar are not anywhere as lucrative as they were in 2019. There is also uncertainty as far as what incentives and rebates are available.
- Cara Lee said the Town of New Paltz has not yet determined what the rent from the solar developer would be, but they are not expecting it to be a very large amount. \$10,000 would most likely be a very big slice of the money they would receive. After the developer works through more of the analysis during the option period they will have a better sense of what the rent would be.
- Charles Landi said that he knows the Town of New Paltz will be looking at a lump sum of money and that it should cover the Agency's electricity costs at NPTS.
- Cara Lee replied that Charles Landi is talking about dividing up the money before anyone knows how much money there will even be. She said it is definitely worth consideration. Maybe instead of a fixed amount it could be a percentage. It will have to go to the New Paltz Town Board for consideration.

- Charles Landi reminded her that the project can't move forward without the Agency's permission.
- Tim DeGraff added that when the Town of Ulster installed their solar array, the DEC required the Agency to do repairs that cost about \$40,000, but the Agency never received any benefit from the solar array. He said that has caused some hesitancy.
- Tom Kacandes said that he assumes the solar developer has made presentations to the Town about how they could benefit from the solar array, and it would be helpful for the Agency to know that information. He requested that Ted Nitza provide that information to the Board.
- Angelina Brandt asked if the Agency's engineers are the ones to inspect the integrity of the cap.
- Cara Lee replied that the inspection is done by the DEC.
- Charlie Whittaker stated it was the DEC that required the Agency to make repairs to the Ulster Landfill before the solar array could be installed there.
- Tim DeGraff said that the Agency and its Board are in favor of solar, they just need some more details before coming to a conclusion.
- Tom Kacandes added that the Board is requesting that the Ad Hoc Committee and the Town of New Paltz considers the Agency's potential increase in liability as well as potentially covering some of the cost of electricity for the Agency.
- Tim DeGraff stated that the Town of New Paltz Attorney will get in touch with Ken Gilligan. He said he will forward the RFP to the Board.
- Katherine Beinkafner noted her concern for the potential of damage to the landfill due to the solar array in combination with major rainfall. She asked if the Agency would be responsible with fixing any damages to the cap.
- Ted Nitza advised the Board to look at the contract and speak with Ken Gilligan about the language regarding repairs and responsibilities. He said from a non-legal standpoint, the developer is responsible to maintain the area of the solar array.
- Tom Kacandes said that he wants to be clear that the Ad Hoc Committee hears that there are real potential impacts to the Agency's liability.
- Cara Lee said that they will take the concerns of erosion back to the developer. She said that is a reasonable question. She said she is uncomfortable opening up the issue of compensation for liability because it is very open ended.
- Tom Kacandes stated that the Agency already bears the liability of the permit, and that the agreement may be fine but they will need to review it.
- Charlie Whittaker said that even if the developer pays for repairs and does the maintenance, if there are any violations those will fall on the Agency.
- Charles Landi recommended Ken Gilligan review the existing contract for the Town of Ulster's solar array.
- Charlie Whittaker noted the difference in geography between the two landfills.
- Tom Kacandes asked if the developer is planning to install fencing.
- Ted Nitza replied that they are planning fencing.
- Tom Kacandes said the fencing would need to be addressed in the terms and conditions of the agreement.

- Cara Lee said that they are eager to move forward and are poised to sign with the developer so that they can begin their option period. She urged both sides address these issues so that at the Agency's next meeting they can move forward.
- Charlie Whittaker said he wanted to note that there have been security issues at the Ulster Landfill, including gates being left unlocked. He doesn't want these issues to happen at the New Paltz Landfill.
- Tim DeGraff noted Cara Lee's points and said that they will move forward once Ken Gilligan hears from their attorney.
- JoAnne Myers said that the DEC has opened a comment period for the waste to Hughes Energy plant in Roxbury and the Board should look at that.

ADJOURN

Tom Kacandes motioned to adjourn the November 22, 2021, Regular Board Meeting, seconded by Charles Landi. 5 in favor, 0 opposed, 0 absent. The motion was approved.

December 27, 2021

Motion to approve the above transcribed Minutes of the November 22, 2021 Regular Board Meeting was made by Charles Landi, and moved by Lisa Mitten. 5 in favor, 0 opposed, 0 absent.

The minutes were approved by the Board.

Transcribed by: Brenna Whitaker, Administrative Assistant. Meetings are recorded and available at www.ucrra.org/about-us/board-of-directors-meetings-minutes/.

Signatures:



Katherine Beinkafner, Chair



Ken Gilligan, Secretary



Brenna Whitaker, Administrative Assistant