

**ULSTER COUNTY RESOURCE RECOVERY AGENCY
MINUTES OF THE REGULAR BOARD MEETING
FEBRUARY 28, 2022**

The Ulster County Resource Recovery Agency held a Regular Board Meeting on February 28, 2022. This meeting was held in person and virtually through Webex.

The proceedings were convened at 12:08 PM.

The following Board members were present: Chair Katherine Beinkafner, Vice Chair Tom Kacandes, Treasurer Charles Landi, Member Margot Becker and Member James Gordon.

Also present were: Counsel/Secretary Kenneth Gilligan, Executive Director/Controller Tim DeGraff, Director of Operations and Compliance Charlie Whittaker, Director of Sustainability Angelina Brandt, and Office Manager Melinda France.

From the public: Reporter Bill Kemble from the Daily Freeman, Ulster County Legislator Manna Jo Greene, Ulster County Legislator Phil Erner (on Webex), Ulster County Comptroller March Gallagher and Deputy Comptroller Alicia DeMarco.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

March Gallagher read a letter to the board (a copy was provided) which read:

“Good afternoon. I appreciate your time and your public service. I am here before you today on behalf of the taxpayers of Ulster County to request, as the newly convened board of the UCRRA, that the Agency comply with our audit and Judge Fischer’s order rather than appeal her decision.

A decision whether to appeal must be made by the Agency by March 18th, before this board convenes again, which is why I am here today.

After receiving complaints from neighbors, municipalities, employees and customers, my office initiated an audit of the Agency’s composting operations last spring. The Agency sued our office to stop the audit. Judge Lisa Fischer ruled ordering compliance with the Court in October. The Agency asked my office, and I consented to a stay of the Judge’s order and two extensions of the time for the Agency to consider an appeal.

Judge Fischer’s decision was well-grounded in law and in fact. And although she would not sit on a review of her own case, I’d like to point out that Judge Fischer has been elevated to the Appellate Division. I do not believe the Agency has a likelihood of success on the merits for your appeal.

We have been asked by Agency counsel to sign a settlement agreement. I want to explain to you why I cannot and will not do that.

First, there is nothing to settle. The judge has ruled. The next step in the case is for the Agency is to appeal the decision if it so chooses. There is no active pending litigation to settle at this time.

Second, 57% of the Ulster County annual operating budget is spent through outside agencies, just like this one, each of which executes a contract, just like this Agency did, to obtain the composting grant. Each of those contracts contains an audit clause, just like yours did, that gives Ulster County audit authority over the books and records of the program for six years. On behalf of the taxpayers of Ulster County I am unable to concede my Office's audit authority created under the Ulster County Charter and affirmed in \$200 million of taxpayer money is contracts each year.

Third, and finally, your Agency is one of five outside entities, created under state law, with appointments by the county, either an LDC or Public Authority, that do important work for county taxpayers. I will not undermine Judge Fischer's decision in any way that might negate my office's audit authority over transactions like the sale of tech city, PILOT agreements by the IDA, or the development of housing at Golden Hill.

This audit is intended to identify areas where internal controls can be strengthened. Delaying our work is not in the best interest of the Agency as you work to improve the governance and leadership to ready the Agency for the tasks ahead.

Although I will not sign anything limiting the interpretation of the Judge's opinion for the reasons stated previously, the Agency is free to merely comply with the Order and to provide your own accompanying interpretation of what the compliance means to the agency. That would be simple, cost effective and the right thing to do.

Again, on behalf of the taxpayers of Ulster County, I urge you to comply with the audit, forgo a fruitless appeal, and avoid wasting even more taxpayers' dollars."

March Gallagher stated she is available to speak with any board member or staff. She thanked the board for their time.

Angelina Brandt shared a comment that was received on February 7th through the website from Ulster County resident, Patrick Trees. Mr. Trees' comment read: "Just wanted to commend you and the staff at the Kingston transfer station. I am a residential customer in Ulster County and it was my first visit to the facility in a long time. Everyone there was respectful and helpful in guiding me through getting rid of several vans full of garbage. In dealing with the e-waste and hazardous household waste events, all the staff have been helpful and efficient. The instructions on this website are also extremely helpful with waste material and recycling. I appreciate the services you provide and the staff for their helpfulness and friendly disposition!"

Katherine Beinkafner stated that she is impressed on how the website has grown and how the website has provided more information to the public.

CHAIR'S COMMENTS

Katherine Beinkafner wanted to remind everyone that the Agency is a Public Benefit Corporation and that the meetings are to fulfill the fiduciary responsibilities of conducting the solid waste business in Ulster County.

APPOINTMENT OF BOARD COMMITTEE MEMBERS

- Audit Committee-stayed the same which was previously voted on January 24th at the Annual Organizational Meeting
 - Charles Landi, Chair of Committee
 - Katherine Beinkafner
 - Tom Kacandes

- Finance Committee
 - Charles Landi
 - James Gordon
 - Thomas Kacandes

- Governance Committee
 - Katherine Beinkafner
 - James Gordon
 - Margot Becker

- Recycling Oversight Committee
 - Margot Becker
 - Charles Landi
 - Tom Kacandes

*Charles Landi and Tom Kacandes will be alternates

The Board and staff had a discussion regarding recycling, diversion, markets, beneficial use and contamination. (To hear this conversation in detail please listen to the recording from 19:25-33:39)

- Zero Waste Committee
 - Margot Becker
 - Katherine Beinkafner
 - Tom Kacandes

Margot Becker inquired as to what the purpose of the zero-waste committee is. Tim DeGraff replied that any project or plan that involves waste diversion will be brought to this committee for discussion first.

ELECTION OF OFFICERS (VICE-CHAIR)

Katherine Beinkafner, Chair asked if there were any nominations for Vice-Chair.

Tom Kacandes was nominated for the office of **Vice-Chair** by himself and seconded by James Gordon. Katherine Beinkafner motioned to close nominations, and it was seconded by Tom Kacandes.

Roll Call Vote

Beinkafner: Aye

Landi: Aye

Kacandes: Aye

Gordon: Aye

Becker: Aye

Motion approved by 5 favor.

APPROVAL OF MINUTES

Tom Kacandes motioned to approve the minutes of the January 24, 2022 Annual Organization Meeting. Seconded by Charles Landi. 5 in favor, 0 opposed, 0 absent.

James Gordon motioned to approve the amended minutes of the January 24, 2022 Regular Board Meeting. Seconded by Tom Kacandes. The minutes were amended in the section under **General Reports; MSW Report**, page 2. The following sentence “Sludge was off by 338 tons from the...” changed to “Sludge was 338 tons less than...” 5 in favor, 0 opposed, 0 absent.

COMMUNICATIONS AND ANNOUNCEMENTS

Tom Kacandes made a motion that the Board meetings will be held the fourth Thursday of each month at 4:00 PM; seconded by James Gordon. 4 in favor, 1 abstention (Beinkafner).

The next Regular Board Meeting is scheduled for Thursday, March 24, 2022 at 4:00 PM.

RECYCLING OUTREACH TEAM PROGRAM UPDATE

Angelina Brandt provided the update to the Board and welcomed the new board members. The Board packet included a blog article and the winter e-newsletter.

Angelina stated the messaging for the month was centered around waste reduction tips for Valentine’s Day. This message crossed over into the social media campaign as well as a new blog which was posted to the website.

The newsletter announced that the Spring Compost Bin and Rain Barrel Sale is open for orders. Residents can shop online through a custom website that features various educational videos about composting and residents can view different bins and tools. All items must be pre-ordered and paid for prior to pick-up. There will be a one day only, for residents to pick-up their supplies in May, during Compost Awareness Week.

She discussed the link that was previously shared to the Board. The link provided, was for the new digital/streaming PSA that is airing for two months on a combination of OTT networks, such as Roku, Sling, TubiTV, Pluto TV and other channels. The PSA is being played on connected devices in Ulster County zip codes only. She stated this is the first time the Agency has incorporated digital advertising into its outreach programs. This campaign is intended to reach a previously untapped audience in Ulster County. This campaign is to inform residents about the Agency, and to guide people to the website to find alternative recycling options through the A to Z Recyclopedia. Angelina stated she is very pleased with the video and the video can be viewed on the Agency’s YouTube channel. She added that once the campaign is completed; metrics will be provided. It is estimated that 179,000 impressions will be played.

She stated that this time of the year that she is completing the required NYSDEC reports.

Angelina mentioned that she already has over 30 requests for tours and presentations this Spring.

Angelina did conduct one virtual presentation with the Mount Academy School this month. The presentation was called “Rethinking School Waste”. The group of students were ages 10-13. They have been learning about various kinds of environmental protections and focused on recycling and reducing plastic waste at their school. Following the presentation, she added that the students sent Thank You notes which was shared with the board members in their packet. The teacher sent a follow-up which stated:

“The students have divided themselves into four groups responsible for recycling, dumpster reduction, composting, and public awareness. They have written down their short- and long-term goals for how to change different things about our school’s waste management. We are expanding our waste management revolution to include the 150 or so people in our local community and are planning an awareness event and more.”

Angelina advised the Board that the new Recycling Educator will be starting tomorrow. The candidate is a local resident with excellent qualifications and a great interest in sustainability. Angelina is very excited to bring Tanesia White on board.

ADMINISTRATIVE MATTERS

Resolution # 2562-Authorizing and Approving the Purchase of a 2024 Mack Granite 64BR Roll Off Truck

- This vehicle is on the approved Capital Plan
- Will take 12-15 months to receive
- Price is locked in
- Purchased off the State Bid

Tom Kacandes motioned to approve **Resolution #2562 RE: Authorizing and Approving the Purchase of a 2024 Mack Granite 64BR Roll Off Truck**; seconded by Charles Landi. 5 in favor, 0 opposed. The motion was approved.

OLD/NEW BUSINESS

Tim DeGraff stated the Audit Committee received the first internal audit report with respect to composting operation and Authorities Budget Office (ABO) compliance from Sickler, Torchia, Allen and Churchill. He stated the new board members will receive a copy of the audit report on Friday. This report is available on the website. He stated with respect to the composting operation there were no material findings. The auditors had a number of recommendations regarding documenting and tracking the composting process. Tim stated Angie has prepared a new tracking sheet. Tim stated the internal auditors did a true yellow book audit; objective and independent. The internal auditors will work on the recycling commodities for the next report.

Tom Kacandes stated that Tim DeGraff does a really good job at explaining the audit reports or process. Tom Kacandes advised the new board members if they have any questions to email Tim DeGraff.

Charles Landi stated the Agency recently received two rewards regarding how the Agency handles the finances; the Certificate of Achievement for Excellence in Financial Reporting “CFOA” and Award of Financial Reporting Achievements “AFRA” and he thinks that is noteworthy and hats off to Tim DeGraff.

Charles Landi wanted to point out that the Agency had a well-advertised public hearing in October, and no one came to the meeting.

The Board and Charlie Whittaker complimented Tim DeGraff on his financial planning.

EXECUTIVE SESSION

Jim Gordon moved that the Board goes into executive session at 1:13 PM to discuss litigation matters and Margot Becker seconded it. 5 in favor, 0 opposed.

Executive Session ended at 1:46 PM motion to come out of executive session made by Tom Kacandes and seconded by Jim Gordon. 5 in favor, 0 opposed.

NEW BUSINESS (CONTINUED)

Angelina Brandt provided the Board with a packet of information from the New York State Product Stewardship Council; including a Fact Sheet and Talking Points on the benefits of packaging EPR (Extended Producer Responsibility) as well as a sample template Resolution for Support for the New York State Legislature to Establish an Extended Producer Responsibility System for Packaging and Printed Paper. Angelina stated that this information was emailed to her from the NY Product Stewardship Council, linking to a tool kit for municipalities to support Governor Hochul's budget proposal for an EPR Act.

Angelina stated that the proposal calls for producers/brand owners to finance the collection and recycling of their product packaging that's distributed across the state, having to either comply with the EPR law individually or join a producer responsibility organization to cover the costs of the program. She stated that this program would reimburse local governments their expenses to collect and process various types of paper packaging. Angelina noted that EPR for packaging has successfully been implemented for decades in Canadian provinces and throughout Europe and Asia and if passed, NY would become the third state in the nation to enact EPR legislation following Maine and Oregon.

The Board shared their opinions on this type of policy/legislation and asked for clarification on the process to create a Memorializing Resolution. Margot Becker stated that she was familiar with EPR but that she had not yet read any of the information about this proposal.

Charles Landi stated that this type of policy often puts an additional tax on the consumers buying the goods and products, which he is not in favor of.

Angelina replied that the additional cost to consumers is a negligible amount, in some cases less than a few cents. Angelina stated that there are other benefits to EPR other than offsetting costs for municipal recycling programs; often times EPR policy will discuss ways of creating incentives for product manufacturers to create more sustainable packaging choices, such as using more post-consumer recycled content, or switching to compostable packaging or sustainably forested paper sources.

Charles Landi requested that the staff provide copies of the other EPR laws that have been passed, and Angelina agreed to email the Board links to where they can read the laws.

Angelina stated that the Board could act in a number of ways if the Board wanted to support this policy, such as by approving a Memorializing Resolution in support of the budget proposal, which could then be circulated to Assembly and State members and Governor Hochul. Angelina noted there are also template

support letters on the Product Stewardship website that can be customized if any Board member wanted to send one individually.

Margot Becker suggested that the Board learn more about the details of the proposal before deciding to act through a memorializing resolution.

GENERAL REPORTS

Tim DeGraff presented the general reports.

MSW Report

Tim DeGraff explained how target tons are determined. Volume tends to have seasonal/monthly ebbs and flows, so current year target tons are allocated based on prior year actual tons. January tons were 485 tons less than the target tons. This was probably due to the cold weather, which tends to effect the truck and trailer volume, especially on Saturdays.

Recycling Report

Nothing of note for the month of January.

FINANCIAL MATTERS

Treasurer's Report

Tim DeGraff presented the December 2021 final treasurer's report. He explained that this report was not voted on in the prior month as he requires 30 days at year end to properly close the books. Line items of note: MSW Tipping Fees, Sales of Recyclables, Miscellaneous Revenues, Grant Revenues, Personnel, Insurance, and Leachate Disposal all changed from the prior month's presentation of the December 2021 treasurer's report due to year-end adjustments and additional invoices. The net effect on fund balance at year-end was \$(96,232), final fund balance was a positive \$752,328.

Tim DeGraff presented the January 2022 treasurer's report. Revenue line items of note: Miscellaneous Revenues of \$59,691 due to the sale of surplus equipment in the amount of \$33,725. Total revenues for the month \$1,197,067. Expense line items of note: Personnel expenses of \$158,412 is lower than average due to the reversal of the year-end adjustment for 2021 payroll paid out in 2022; Vehicle Maintenance Facility expenses of \$29,485, purchase of a pallet racking system for proper and safe storage at the VMF, approximately \$11,000. Total expenses for the month \$1,013,404. Net Operating Revenue and fund balance for the month was a positive \$183,663.

Charlie Landi motioned to approve the December 2021 and January 2022 Treasurer's Reports. Seconded by Kathie Beinkafner. 4 in favor, 0 opposed, 1 absent (Tom Kacandes). The motion was approved.

MRF Cost Center Analysis

For the month of January, the total sale of recyclables were \$63,943. This included the sale of UBC's (Used Beverage Cans) for \$25,158. The last time we sold UBC's (Used Beverage Cans) was May 2021. Total transport/disposal costs for January were \$4,242. Net revenue of \$59,701. Total personnel expenses

were \$34,806. Total operating expenses were \$6,209. Total personnel/operating costs were \$41,015. Net income for the month of January was \$18,686.

ADJOURN

Charles Landi motioned to adjourn the February 28, 2022, Regular Board Meeting at 2:35 PM, seconded by Katherine Beinkafner. 4 in favor, 0 opposed, 1 absent (KACANDES).

March 24, 2022

Motion to approve the above transcribed Minutes of the February 28, 2022 Regular Board Meeting was made by _____, moved by _____. _____ in favor, _____ opposed, _____ absent.

The minutes were approved by the Board.

Transcribed by: Melinda France, Office Manager. Meetings are recorded and available at www.ucrra.org/about-us/board-of-directors-meetings-minutes/.

Signatures:

Katherine Beinkafner, Chair

Ken Gilligan, Secretary

Melinda France, Office Manager