

ULSTER COUNTY RESOURCE RECOVERY AGENCY

RESOLUTION # 2566

RE: Approving the Fourth Amendment to the Solid Waste Management Agreement with Town of Ulster

WHEREAS, the Ulster County Resource Recovery Agency (the "Agency") is engaged in Solid Waste Management and Recycling in Ulster County, and

WHEREAS, the Agency and the Town of Ulster have entered into a certain Solid Waste Management Agreement dated as of January 1, 1993 (the "Agreement"), and amended the Agreement by a certain First Amendment to Solid Waste Management dated June 1, 1994 (the "First Amendment"), and a certain Second Amendment to Solid Waste Management Agreement dated as of August 22, 1996 (the "Second Agreement"), and a certain Third Amendment to Solid Waste Management Agreement dated as of August 1, 1997 (the "Third Agreement"); and

WHEREAS, the parties desire to change the terms of the host community benefit and the annual payment in lieu of taxes; and

WHEREAS, the Agency and the Town have negotiated and agreed to certain terms and conditions concerning Section 3 of the Solid Waste Management Agreement; and

WHEREAS, the parties agree that the Agency is in full satisfaction of all previous host community benefit and payment in lieu of tax payments; and

NOW, THEREFORE BE IT

RESOLVED, the Board of Directors of the Ulster County Resource Recovery Agency does hereby approve the Fourth Amendment to the Solid Waste Management Agreement with the Town of Ulster as attached, and be it,

FURTHER RESOLVED, that Executive Director is hereby authorized to take all steps necessary to implement this Amendment to the Solid Waste Management Agreement, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately

Moved by: _____ Seconded by: _____

Vote: Ayes: _____ Nays: _____ Absent: _____

Date: May 26, 2022

Financial Impact: \$43,000

**FOURTH AMENDMENT TO
SOLID WASTE MANAGEMENT AGREEMENT**

Between

THE ULSTER COUNTY RESOURCE RECOVERY AGENCY

and

THE TOWN OF ULSTER

Dated as of "TBD"

**FOURTH AMENDMENT TO
SOLID WASTE MANAGEMENT AGREEMENT**

THIS FOURTH AMENDMENT TO SOLID WASTE MANAGEMENT AGREEMENT dated as of "TBD", between the ULSTER COUNTY RESOURCE RECOVERY AGENCY, a public benefit corporation duly organized and existing under the laws of the State of New York and having its principal offices at 999 Flatbush Road, Kingston, New York 12401 (the "Agency") and the Town of Ulster, a municipal corporation of the State of New York having its principal offices at Town Hall, Lake Katrine, New York 12449 (the "Town") :

WITNESSETH:

WHEREAS, the Agency and the Town have entered into a certain Solid Waste Management Agreement dated as of January 1, 1993 (the "Agreement"), and amended the Agreement by a certain First Amendment to Solid Waste Management dated as of June 1, 1994 (the "First Amendment"), a certain Second Amendment to Solid Waste Management Agreement dated as of August 22, 1996 (the "Second Agreement"), and a certain Third Amendment to Solid Waste Management Agreement dated as of August 1, 1997 (the "Third Agreement"); and

WHEREAS, the parties desire to change the terms of the host community benefit and the annual payment in lieu of taxes; and

WHEREAS, the Agency and the Town have negotiated and agreed to certain terms and conditions concerning Section 3 of the Solid Waste Management Agreement; and

WHEREAS, the parties agree that the Agency is in full satisfaction of all previous host community benefit and payment in lieu of tax payments; and

NOW, THEREFORE, the Agency and the Town, in consideration of the premises and the respective representations and agreements hereinafter contained and other good and valuable considerations, receipt of which is hereby acknowledged, agree as follows:

Section 1. Section 3 of the Third Amendment is hereby amended in its entirety to read as follows:

Section 3. The parties agree to the following payment terms commencing on January 1, 2022 until December 31, 2041;

- a) Annual payments in lieu of taxes which would have been assessed on the property upon which the RTS is sited and the adjoining property, had it not been acquired by the Agency, which payments shall be \$8,000, increased annually by 2%, and due to the Town on January 31st each year.
- b) A host community benefit payment of \$1.84 per ton (\$2.17 per ton discounted at 15%) of solid waste received at the RTS, to be paid twice yearly due on June 30th and December 31st, and to be adjusted annually by the Consumer Price Index (Northeast Region Series ID CUUR0100AA0 – see appendix A) based upon the CPI in effect the prior July, beginning with the effective date of January 1, 2022 (the first six month calculation period will be December 2021 to May 2022).
- c) The host community benefit payment calculation shall be discounted by 15% for years 2022 and 2023, and no discount shall be applied for each year thereafter.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

ULSTER COUNTY RESOURCE RECOVERY AGENCY

BY: _____

TOWN OF ULSTER

BY: _____